

WARREN ZONING BOARD OF APPEALS  
REGULAR MEETING  
AUGUST 13, 2025

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, August 13, 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  
Roman Nestorowicz, Vice-Chairman  
Paul Jerzy, Secretary  
Michael Assessor  
William Cliff  
Jon Green  
Shaun Lindsey  
Garry Watts

**Members of the Board absent:**

Charles Perry, Assistant Secretary

**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 Perry was absent.

**Motion:**

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

**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 as written; Supported by Board Member Watts.

**Voice Vote:**

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

**5. APPROVAL OF THE MINUTES – Regular Meetings of July 9, 2025 and July 23, 2025.**

**Motion:**

Secretary Jerzy made a motion to table the minutes; Supported by Board Member Assessor.

**Voice Vote:**

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

Board Member Green asked for the floor at this time. Do they need a motion?

Chairman Sophia asked for a motion to suspend the rules.

**Motion:**

Board Member Watts made a motion to suspend the rules; Supported by Board Member Cliff.

**Voice Vote:**

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

Chairman Sophia told Mr. Green he has the floor.

Board Member Green thanked the board members. As a result of some discussion from last week, he feels impelled to clarify a few issues. They were kind of directed at the last meeting that they could only vote and discuss items that were listed in the variance and listed in backup material and could not make any conditions on items coming in front of them. He took a close look at the ordinance that has been in effect since 2009. Ordinance 30.986 Section 20.32 and it specifically says, and this is just for clarification sake. Conditions of approval, in authorizing a variance the zoning board of appeals may attach conditions, shape, order, circumstances surroundings regarding the location, character, hours of operation, landscaping, or use reasonably necessary to the furtherance of the intent and spirit of this article. In order to secure the performance of such reasonable conditions as the board may require pertaining to the improvement off-street parking lots, the insulation of greenbelts, or decorative walls, or fences that the board may require. The posting of a cash security bond in the amount equal to the cost of the compelling condition or conditions in which the board may require. Keeping in mind that conditions are valid as long as they relate to the use of a property and as long as they have a valid public purpose. There is an enforcement tool for this. So, this will be the end of his statement, because it was brought up that there isn't an enforcement tool. The problem occurs when site plans are approved and then there's no follow up and not enforcement. In reference to conditions that the ZBA puts on petitioners, enforcement is done when inspection is made. If an inspection is made. They know there's problems with the staffing. If the vendor is not meeting the conditions that were approved and talked about here at the table and stated as a condition by the ZBA, the administration can bring it back to the ZBA and notify the petitioner once again that they're not abiding by the conditions that the ZBA put on and notify people

within 300 feet that there's going to be a hearing. Then they hold the hearing and revoke the variance. Or give the petitioner a chance to tell them why they can't comply with the variance. So, he just wanted to clarify a few things because he thought at the last meeting, maybe not them, but people got the impression that they were up here going the direction that wants to go in the direction they could go in. He appreciates their time with that. Thanks.

Chairman Sophiea said before they go on to item 6 he wanted to make an announcement tonight. Items 7, 13, 16 and 17 are use variances. Unlike regular variances a use variance requires six (6) yes votes instead of five (5). They do have one (1) board member absent tonight, which would put them at a slight disadvantage. He gave them the opportunity to reschedule for a full board. Please approach.

Item number 7 approached the podium and said they're ok to proceed.

Chairman Sophiea thanked him. They're going to proceed with all the items unless anyone approaches requesting their item to be postponed. Continue to item 6.

6. PUBLIC HEARING: **APPLICANT: 13 & Hoover BP LLC / Nameer Kastaw**  
(Rescheduled from 7/23/2025)  
REPRESENTATIVE: Brandon Kastaw  
COMMON DESCRIPTION: 11610 Thirteen Mile  
LEGAL DESCRIPTION: 13-11-101-001  
ZONE: MZ, C-1, P

**VARIANCES REQUESTED: Permission to**

- 1) Waive five (5) required parking spaces.
- 2) Allow parking spaces 20' in length along a property line.
- 3) Allow parking in the front setback to the property lines along Thirteen Mile Road and to Hoover.
- 4) Retain existing non-conforming maneuvering lanes adjacent to gas pumps.

**ORDINANCES and REQUIREMENTS:**

**Section 4.32 (H)(22) Off-Street Parking Requirements:** All retail stores – One (1) parking space for each three hundred (300) square feet of gross floor area.

**Section 4.32 (i):** All spaces that abut a continuous curb required in accordance with Section 16.07 of this ordinance or a common property line shall be laid out in the following dimensions, including off-street maneuvering lanes: Type: 90 degrees, Width: 9'; Length: 22'; Length of maneuvering lane: 22'.

Brandon Kastaw, 42384 Beechwood, appeared before the board stating he is the attorney for the applicant. The architect for the project is here as well.

Imad Portrus, 37525 Hacker, appeared before the board stating he's with CK Construction,

Chairman Sophiea asked them to please tell the board about their request.

Brandon Kastaw explained they were here at the last ZBA meeting on July 23<sup>rd</sup>. They had submitted to the Planning Commission site plans to expand the existing gas station building by 2,200 square feet. Part of the project would include eliminating the parking spaces located on the southern

boundary line of the property. Other variances which are already existing and non-conforming included the parking spaces, which are twenty (20) feet in length, when they're required to be twenty-two (22) in length, and the non-conforming maneuvering lanes. There was a discussion, and the reason why this was adjourned to today's date was to give the applicant opportunity to reach out to the neighboring owner of the shopping center to see if they can obtain a shared parking agreement with them. They worked tirelessly. They got ahold of them, submitted a copy of the contract to City Attorney, Mary Michaels, who approved the form of the agreement. They were able to secure an agreement with the neighboring shopping center for ten (10) spaces. He has a copy of that agreement with him today if anyone wants to see it. He'll be happy to pass it around. It's in recordable format, legal descriptions and all. So, he believes that would resolve the need for a variance for the five (5) parking spaces that they're shy. Then the other two (2) variances again, the twenty (20) foot in length parking spaces along the property lines and non-conforming maneuvering lanes are already existing and asking for a variance to keep those as they are. The last variance is allowing parking in the front setback to the property line along Thirteen Mile and Hoover Road. He knows that was raised as an issue at the last hearing. He actually spoke to the city, spoke with the city Planning Director and Assistant Planning Director to see if they would be ok with them removing those spaces. They recommended strongly that they keep those parking spaces along the property lines. So, that's where they are now, they're just asking approval of the variances requested today.

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. He turned it over to Secretary Jerzy to read the Planning impact statement into the record.

Secretary Jerzy thanked him. This is per Ron Wuerth in the Planning Department. "After review of the request no issues were found to impact the abutting, local or general public. Petitioner received site plan approval with conditions for a building addition to an existing gas station with convenience store and carry-out restaurant on May 12, 2025."

Chairman Sophiea thanked him. He was absent at the last meeting, so this is the first time he's seeing this item. His concern was with item 1 and now that they have the parking agreement with the neighbor, he no longer has an issue with that. Are there other comments from the board?

Board Member Watts has one question in regards to the parking agreement. Is there a time frame on that parking agreement?

Brandon Kastaw replied no time frame on it. Cannot be terminated.

Board Member Watts asked can't be terminated, it's forever.

Brandon Kastaw replied it's forever, runs with the land. Correct.

Chairman Sophiea asked they could strike item 1 from their request tonight.

Brandon Kastaw replied correct.

Board Member Clift asked if he could approach the petitioner and get a copy of that contract for the board to look at real fast. He's glad that worked out as they had kind of discussed. He has no problem with voting yes on this as it sits.

Board Member Watts said he has one more question. That'll have to be recorded correctly with the...

Jennifer Pierce stated with the registrar of deeds, yes.

Board Member Watts thanked her.

Steve Watripont stated to expand on the question that Mr. Watts asked, Mary Michaels actually reviewed this with them prior to it being finalized as well already.

Chairman Sophiea said they'll wait to make a motion after everyone has a chance to look at that.

Board Member Clift is looking for a little clarity. Maybe the attorney can answer it. Are they also able to strike number 2 from this variance request due to having that parking agreement?

Jennifer Pierce replied no.

Board Member Clift thanked her.

Chairman Sophiea asked for any other comments or motion. If anyone makes a motion they should probably strike the first request.

Board Member Clift would like to make a motion and asked if everybody is good.

**Motion:**

Board Member Clift made a motion to give permission to:

- 1) ~~Waive five (5) required parking spaces.~~
- 2) Allow parking spaces 20' in length along a property line.
- 3) Allow parking in the front setback to the property lines along Thirteen Mile Road and to Hoover.
- 4) Retain existing non-conforming maneuvering lanes adjacent to gas pumps.

Reasons being: Not a detriment to the area; Fits the character of the parcel.

Board Member Nestorowicz supported the motion.

Chairman Sophiea said they have a motion by Mr. Clift, supported by Mr. Nestorowicz to approve the request as read.

**Roll Call:**

A roll call was taken on the motion. The motion carried (7 – 1).

Board Member Clift	Yes, for the reasons stated in the motion.
Board Member Nestorowicz	Yes, for the reasons stated in the motion.
Board Member Assessor	Yes, for the reasons stated in the motion.
Board Member Green	Yes, for the reasons stated in the motion.
Board Member Watts	No, he thinks they're over building the property. It's a detriment.
Board Member Lindsey	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 read with striking request number 1.

7. PUBLIC HEARING:

**APPLICANT: Abdulla Alysofi -USE-**  
(Rescheduled from 7/23/2025)

REPRESENTATIVE: Lance Seba  
COMMON DESCRIPTION: 3900 Fourteen Mile  
LEGAL DESCRIPTION: 13-06-228-025  
ZONE: C-1

**VARIANCES REQUESTED: Permission to -USE-**

- 1) Allow a drive-in restaurant in a C-1 zoning district. **USE**
- 2) Waive the requirement of a chain-link fence to completely enclose the use.

**ORDINANCES and REQUIREMENTS:**

**Section 13.01 – Uses Permitted:** Drive-in restaurant is not a permitted use in C-1 zoning districts.

**Section 14.01 – Uses Permitted:** In all C-2 districts no building or land, except as otherwise provided in this ordinance, shall be erected or used except for one (1) or more of the following specified uses:

(k) Drive-in restaurant, an establishment whose principal business is to serve food that may be consumed in the building on the premises, on the premises outside the building, or off the premises. Drive-in restaurants shall be permitted upon approval of the Planning Commission, after a public hearing has been held and it is found that the proposed drive-in restaurant meets all the requirements of the Zoning Ordinances and the following standards:

4. Drive-in restaurant properties shall be completely enclosed with a chain-link fence with a height of four (4) feet; however, when abutting a residential property, a decorative masonry screening wall constructed to a height of six (6) feet shall be provided.

Lance Seba, 3900 East Fourteen Mile, appeared before the board stating he's the representative. Former Bank of America. He is here with Abdulla Alysofi for Alysofi Properties Two, LLC. They're here for the variance for waving of the chain link fence and also the approval of the drive through from C-1 to C-2. He wasn't here for the previous meeting. From what he understands the garbage container needed to be relocated and they got that handled. That's where they're at with 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 Sophiea closed the public portion of the meeting. He turned it over to Secretary Jerzy to summarize the impact statement.

Secretary Jerzy stated from the Planning Department it says:

“After review of the request, no issues were found to impact the abutting, local or general public. The petitioner received Planning Commission approval for a minor amendment with conditions for an outdoor patio at a coffee house with a drive-thru on June 16, 2025.

\*\*Unrelated to this variance request, the petitioner is requesting to relocate the trash enclosure from the southwest corner of the site to the southeast corner of the site. The Planning staff has no issues with the petitioner's request to relocate the trash enclosure. With the proposed relocation of the trash enclosure to the southeast corner of the site, the trash enclosure shall be positioned facing directly west, to make trash pickup accessible for the trash collection truck.”

Chairman Sophiea thanked him. At this time he turned it over to the board for discussion. He believes there was a new site plan.

Board Member Cliff said the majority of the point of contention was that trash bin, at least on his part, was the location of the trash bin. Reviewing the new site plan, they did exactly what it was they were kind of looking for to alleviate problems from the neighboring residents to have to hear that clattering and banging of that thing being emptied at who knows what time in the morning or on the weekends. So, having that in mind, he just wanted to express to the petitioner thank you for working with what they thought was a good decision for the neighborhood there. With that he has no problem with the project and he'll yield the floor.

Secretary Jerzy would also like to express thanks to the petitioner for taking the boards consideration and taking it one step further and doing the due diligence of getting the changes made. It is appreciated and something he can support. He's actually willing to make a motion if nobody else has anything to say about it.

Board Member Lindsey has a question for the petitioner. When he purchased this property, were they aware of the ordinance and how it's currently zoned?

Lance Seba was aware of how it was currently zoned. Being that the window was already there, the stack was created for over thirty (30) years, presenting a coffee shop to the City of Warren and outside visitors and being able to provide the convenience, he felt that there was no reason to... He thought he could work with it, it's reasonable.

Board Member Lindsey believes it used to be a bank, so he thinks that would be why the drive through was already there. The way its zoned it's because they're trying to put in a drive through restaurant, so he understands that to be the contention with the ordinance. So, when looking at a use variance. The directions are pretty clear that they have to have certain criteria for their hardship. When he looks at this, his number one is it being a drive through right next door to a home. He can put himself in his neighbors shoes and understand that's his bedroom window at 6:00 a.m. when they said they would be opening from the last time. That's a big concern to him. He knows he wouldn't want that next to

his house. Again, thank you for working with the board and moving the trash can, but his contention has always been the drive through. When he's looking at the hardship to establish a need for a variance, he believes the property can be used as it's zoned. It clearly was before. It's self-imposed to their own emission saying they knew how the property was zoned prior to purchase. He does think it's a detriment, there's going to be neighbors right next to the drive through. He doesn't think it's necessary, he thinks they can still have a coffee shop on that without the drive through. So, his vote is a hard no on this. He yields the floor.

Board Member Watts asked if they had hours of operation yet.

Lance Seba replied the hours of operation are not set in stone yet. He does want to touch on what Mr. Lindsey did state. The width and the divide between the coffee shop and where the drive through is fairly significant, along with being able to stack there comfortably, number one. Number two, with the size of this property, there is a hardship if they can't incorporate the drive through, the business probably will not sustain itself to be able to provide the citizens and visitors the product necessary to bring that growth volume up to cover the expenses. So, there is a hardship. He just wanted to clarify what he just said. From his point of view he feels there is a hardship there. Being this size and they're trying to introduce one of the biggest coffee shops in Michigan in the City of Warren to bring that attraction them and work with them. He just wanted to touch on that. That's where he's at on it.

Board Member Watts said so in answer to his question, do you have an estimated hours of operation?

Lance Seba said at least 7:00 a.m. You know, coffee is their number one seller, people like their morning coffee. Maybe 7:00 a.m. and work their way up, see how the evening goes. Nothing is set in stone and they are welcoming recommendations on that.

Board Member Watts assumes it's not going to be a twenty-four (24) hour operation.\

Lance Seba replied at this time, no. Absolutely not.

Board Member Watts agrees with his counter parts concerns, but he also doesn't see anybody here from the neighborhood disputing it. He is concerned about the hours. He would hope it wouldn't be twenty-four (24) hours, but...

(Inaudible)

Board Member Green asked if he was done.

Board Member Watts said in regards to Mr. Jerzy, he means he guesses coffee shops should probably be.. He's an early riser so 6:00 a.m. to maybe 10 or 11. He wouldn't want to see a twenty-four (24) operation.

Board Member Green agrees. This is a good example of what he brought up earlier. The hours of operation are an example of a condition that they can put on. He thinks it's important that they...

Chairman Sophia is having a hard time hearing him.

Board Member Green said the hours of operation are an example of the condition they can put on.

He doesn't think it's something that they should say... It's something they should hammer out now. What are the hours of operation going to be before they approve it. That makes a big difference. If it's 11 o'clock at night, he thinks it makes a big difference. Comes to his point that they're in an area where they have some residential houses. He would be more comfortable if he knew exactly what the hours were.

Chairman Sophiea understands the concerns. A drive through for a bank versus a drive through for a coffee shop. The coffee shop is going to be more a more intensive use. They never like to see the intensity go up, they always try the intensity down. At the same time, the neighbors aren't showing and if the neighbors don't have a problem with it...

Board Member Nestorowicz said you know whether its, they always put conditions on whether it's fairs, what time the music has to shut and stuff like that. Could they put a condition that the hours of the drive through should be between like no earlier than 7:00 a.m. and no later than 10:00 p.m.? Put that as a condition as approving this.

Jennifer Pierce explained they can put whatever conditions they see fit that's going to benefit.

Board Member Nestorowicz wondered if it's going to alleviate some of the concern he's heard.

(Inaudible)

Secretary Jerzy suggested maybe they make a recommendation to make it six (6) to eight (8) at night. No later than eight (8) at night. Six (6) in the morning to eight (8) at night and no hours of operation on that premises for twenty-four (24) hour operation as well.

Chairman Sophiea wanted to ask the petitioner. They heard the mix array of comments tonight.

Abdulla Alysofi said there's a lot of coffee shops in the State of Michigan and within the neighborhood. Right now with the technology improving with the apps and online orders, the noise would not be there because everybody can order and come pick up their order any time. Them limiting the hours is no concern for the people that live in the neighborhood. Maybe the people that will be more (inaudible) over a coffee shop in the area and with the easy in the winter time, the people that can come and drive instead of having to get out of the car and get the coffee with the cold weather in Michigan. He has another location in Dearborn Heights.

Chairman Sophiea said they don't care about Dearborn Heights. They're trying to put a coffee shop in a bank and they're talking about hours. So, there's a question to him. He's heard the mixed comments tonight. They have two (2) options. They can proceed with the initial request or they can see adding in a restriction on the hours. Mr. Watripont?

Steve Watripont has a question on the notes he's taken for clarification. Is the restrictions only on the drive through hours, or is it the internal hours, too? If he's having people order and they come and pick up that shouldn't disrupt the neighborhood as much as the drive throughs.

Chairman Sophiea said that's an important distinction. They'll put that on pause, the question to the petitioner. Lets first discuss the proposed restriction on the hours of the drive through. Off the top of his head he'd say 6:00 a.m. to probably 9 o'clock. For inside pick up...

Board Member Nestorowicz said the restriction would just be on the drive through, not on the hours of business.

Chairman Sophiea asked if he would be ok with a twenty-four (24) hour. He personally doesn't have a problem with an inside sales all the time, but it probably would never happen because usually it's the reverse. The inside closes first and the drive through stays open all night. So, when the drive through closes they're probably not going to run an operation.

Secretary Jerzy said it's a compromise with foot traffic and all that. He'd be willing to bend on the twenty-four (24) hour operation as long as they stick with the no drive through from... Or the drive through would only run from 6:00 a.m. to 9:00 p.m.

Board Member Clift can get behind that.

Chairman Sophiea said they've heard the boards comments.

Lance Seba asked if they can bump that up to ten (10). They serve ice cream, too. There's people that have late night dinners and want to slide through for an ice cream.

Secretary Jerzy said they're ok with ten (10). He's ok with another hour.

Board Member Watts was going to suggest eleven (11). Most drive throughs are closed by eleven (11).

Lance Seba said they have ice cream shops in the City of Warren that at 10 o'clock they're still bumping outside.

Secretary Jerzy said he's just throwing an idea out.

Lance Seba asked to give them to eleven (11), please. They've complied with every single thing.

Board Member Watts said his suggestion would be six (6) to eleven (11). He thinks it would be reasonable for the neighborhood and he thinks it will be reasonable for his business.

Chairman Sophiea asked if they're in agreement.

Lance Seba said absolutely.

Secretary Jerzy would like to make a motion.

**Motion:**

Secretary Jerzy made a motion to grant the petitioner:

- 1) Allow a drive-in restaurant in a C-1 zoning district. **USE**
- 2) Waive the requirement of a chain-link fence to completely enclose the use.  
Limit the drive through operation from 6:00 a.m. to 11:00 p.m.

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

Board Member Watts supported the motion.

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

**Roll Call:**

A roll call was taken on the motion. The motion carried (7 – 1).

Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member Clift	Yes, for the reasons stated in the motion.
Board Member Assessor	Yes, for the reasons stated in the motion.
Board Member Green	Yes, for the reasons stated in the motion.
Board Member Watts	Yes, for the reasons stated in the motion.
Board Member Lindsey	No, the property can be used as zone, self-imposed, detriment to the neighboring people, not necessary, and doesn't believe the petitioner has met the criteria for a hardship.
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 previously modified.

8. PUBLIC HEARING: **APPLICANT: Bazo Construction**  
(Rescheduled from 7/23/2025)
- REPRESENTATIVE: Sarah Mheisen  
COMMON DESCRIPTION: 4090 Nine Mile  
LEGAL DESCRIPTION: 13-31-226-016  
ZONE: MZ, C-2, P

**VARIANCES REQUESTED: Permission to**

Retain new signage as follows:

- 1) 85.95 square ft. of wall signage on canopy and 7.94 square ft. of wall signage on building for a total of 93.89 square ft. of wall signage.
  - 2) 278.75 square ft. of design element on the canopy.
  - 3) 92.92' of 6.5" high light bar on the canopy.
  - 4) 11.50 square ft. of painted design element per column, on 4 canopy columns for a total of 46 square ft.
  - 5) 46.22 square ft. of signage per gas pump on 3 pumps, for a total of 138.66 square ft.
- Total of 557.30 square ft. of wall signage and 92.92 feet on 6.5" light bar.

**ORDINANCES and REQUIREMENTS:**

**Section 4A.35 – Signs Permitted in Commercial Business and Industrial Districts (C-1, C-2, C-3, M-1 and M-2):** Total wall signage of a size not to exceed forty (40) square feet shall be allowed for each business in commercial business and industrial districts zoned C-1, C-2, C-3, M-1 and M-2.

**Section 4A.14 (b) – Prohibited Signs:** Exterior rope lighting, except temporary lighting.

Chairman Sophiea said good evening.

Sarah Mheisen, 4090 Nine Mile, appeared before the board stating on behalf of Bazo Construction.

Chairman Sophia asked her to please tell the board about her request.

Sarah Mheisen is basically proposing to reimage this existing gas station, an existing Valero going Amoco. They're just rebranding it. With that comes new signs. Obviously, pump image graphics because what's there now is not what the new appealing contract represents. So, that's why they're here to discuss the approval of the branding image standards.

Chairman Sophia thanked her 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. He does have a question for the petitioner. This sign change has already been implemented?

Sarah Mheisen asked implemented in what way.

Chairman Sophia explained there's something in here about a violation that there's a ticket pending that the gas station rebranding already taken place before without a permit.

Sarah Mheisen was just made aware of it. She was not aware. She's just taking care of the paperwork end. From her understanding and her paperwork they didn't.

Chairman Sophia asked if Bazo Construction is the sign.

Sarah Mheisen stated they didn't do the work. They didn't install that.

Chairman Sophia asked if Mr. Watriont had a comment about this.

Steve Watriont believes the signage has gone up. He believes they were here for a variance before and thinks they went through the change quickly and it happened quickly. He's not sure who installed it or whatever. He knows the paperwork and everything else, the enforcement was on the property owner at this time.

Chairman Sophia thanked him. He's just confused. She's here as the representative tonight. She works for a sign company, but she's saying a different sign company put this rebranding up already.

Sarah Mheisen said she guesses so and she's trying to fix the situation to bring it to ask for approval. Which she doesn't know if they bypassed it or what they were trying to do here, but she's trying to fix it. Whether that be whatever the board may suggest.

Board Member Green asked if the signs are already up.

Chairman Sophiea is having a hard time with this because this gas station owner owns a lot of gas stations relatively sophisticated. It just blows his mind they put this up and she comes here saying lets discuss it. What is there to discuss? It's already up.

Sarah Mheisen said just going by what they were told to do to get these signs approved legally. She knows that they didn't do things the standard way, which was obviously to apply for a variance, get approvals and get permits. So, she really is baffled as well because she never been put in this position before.

Chairman Sophiea said sure. They put her in a bad spot.

Sarah Mheisen replied yes and she's just here to fix it.

Board Member Watts has a question for Mr. Watripont. So, they know the signs are already up and he's looking at the variances requested. Actually, it looks like less square footage than the next one coming up. This is pretty much what they've been passing the last few stations. Is that correct?

Steve Watripont believes it's pretty standard.

Board Member Watts sees the violations. So this would cure the violation problem?

Steve Watripont stated this would cure it.

Board Member Watts asked that this is what was recommended to do.

Steve Watripont replied correct.

Board Member Watts thanked him.

Board Member Cliff explained this station is in his neighborhood. He remembers when it was a Valero. This just to the best of his reckoning, but he didn't see an increase in the square footage of the sign that went up replacing the Valero sign with the Amoco sign. He didn't see any real change happen except for names and colors on the canopy. He didn't see anything really happen except for names and colors on the pumps. The one thing he will make a comment on is the little sign above the door that illuminates. That's kind of new.

Chairman Sophiea asked if there's a monument sign or pole sign.

Board Member Cliff replied it's a pole sign that sits on the corner. It's very, very small. It's a small sign. It was a small sign when Valero was there. There was no (inaudible) from what he can tell from the best of his memory. There was no real dimensional changes to that sign. They took an insert out and put an insert in with Amoco on it. So, if that helps them. It's still ten (10) times more than what the ordinance allows overall, but he just thought he would throw a little frame of reference in. He guesses he's a little confused if there weren't variances made when it was made into a Valero. He can't remember what it was before it was a Valero. It was something there before it was Valero. Again, it didn't appear to him when they turned it into

Valero that they did a whole lot of any addition or add on or increase in sizing. So, looking through the backup and stuff, he thought for sure he'd see previous variances if they were required. Anyway, he'll yield the floor.

Chairman Sophiae personally doesn't have a problem with what they're requesting. It just bothers him a little bit that they're a sophisticated business people and they knew that variances were required. None the less, that's not a good enough reason for denial tonight. This is usually what they approve anyway, it's just a little annoying.

Board Member Green is uncomfortable too. They're going to reward... what's a good word without sticking his foot in his mouth. It's just uncomfortable that they've gone and did it, now they're up here asking for the board to give variances.

Secretary Jerzy said there's a lot of carts before the houses.

Board Member Green asked if they were ticketed and then the tickets were paid. Mr. Watripont and he apologized.

Steve Watripont stated Mr. Green can call him Steve anytime.

(Laughter)

Steve Watripont was not the one issuing, so he's not sure where it stands right now. There was some enforcement. Part of the enforcement they also didn't have a certificate of compliance for that operation. He doesn't know if it's a new owner or it was a different change.

Board Member Green asked if they do now.

Steve Watripont replied that has been corrected. The only thing left open right now is the signs from what he's reading in the report. He doesn't believe it's been ticketed at this point. It's just the violation they came to try and correct everything and they're waiting on the final decision of the Zoning Board.

Board Member Green said remember they talked a little bit about... Now they're asking for new signage. They have existing signage. In theory they approve the new signage for 500 square feet. Lets say they have an existing 1,000 square feet and they just approved 1,500 square feet. What's the procedure to get rid of the old?

Chairman Sophiae explained they usually rescind the previous variances related to signage.

Secretary Jerzy explained they usually rescind stuff unless the variance that's on record is also coinciding with what they're asking.

Board Member Green asked if this one is an example of one they should...

Secretary Jerzy doesn't think so because she wants to retain...

(Inaudible)

Board Member Green said oh, the amount they had before. He thanked them.

Steve Watripont explained the ground sign is not part of this. If they rescind anything, please do not rescind anything related to the ground sign.

Chairman Sophiea said that makes sense.

Board Member Watts said looking at the picture of the building there's a bunch of signs on the windows.

Steve Watripont replied yes.

Board Member Watts asked if those are still there and if that fits into this.

Steve Watripont explained they do not fit into the variance request. He believes they might have been taken care of as part of this, but he's not 100% sure. Again, he was not the one that was out enforcing this. He can double check on that when they go back out.

Board Member Lindsey said when he's looking at the drawings they have with Amaco signs. So, on the canopy, is that whole thing a light bar?

Sarah Mheisen replied no. Just that little band. It's a little orange light. It's internally illuminated; it's covered. It's kind of back lit in a teeny tiny section.

Board Member Lindsey understands that. The entire canopy, not just the Amaco sign?

Sarah Mheisen said just the Amaco sign and there's a light bar.

Board Member Lindsey asked all the way across the canopy.

Sarah Mheisen replied yes.

Board Member Lindsey said that answers his question and thanked her. He really has no issues with the signage, obviously. They're seeing a lot of gas stations with this. He guesses item number 3, the light bar, is his only thing. The other ones they've seen haven't been illuminated. He's in favor of this except for item 3.

Board Member Nestorowicz is in favor of this. The thing they try to always question, because he was trying to figure out how much square footage Valero already had. It would be nice if somebody is replacing... He thinks based on what he can see, the Valero canopy and all that, they're talking about 474 square feet. He doesn't know exactly how much was on the gas pumps for Valero. It would be nice what is the difference to be able to compare. Are they just going up by fifty (50) square feet, is it a smaller amount? That would make life a lot easier to see what the change is in terms of how many square feet. It's never easy to tell on these.

Board Member Cliff said there's a picture of the old Valero pump on the handout, but there's no dimensions on it. The ones that are there now are significantly smaller than what Valero had.

Board Member Nestorowicz said that's why he doesn't have any issues with this, because he agrees on that. Going forward when they have these kind of gas stations it would be nice to actually have a better understanding of what the existing gas station has and then what is the increase. It would make life a lot easier he believes.

Steve Watripont said in that regard, he believes that the actual gas station signage, not including the design element, fell under what it was before. The big thing was there was no variance for the design element moving forward.

Board Member Nestorowicz thanked him.

Steve Watripont said the stripes.

Chairman Sophiea said to Mr. Watripont while he's up there the city attorney pointed out to him they don't see a variance for the existing ground sign. Maybe it's within ordinance? That's another issue they can worry about later. Number 3.

Steve Watripont said number 3 on 4/22/1992.

Chairman Sophiea said ah, there it is. That is pretty small. He doesn't have any other comments on this. Again, they kind of beat her up about it's already done.

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

**Motion:**

Secretary Jerzy made a motion to grant the petitioner:

Retain new signage as follows:

- 1) 85.95 square ft. of wall signage on canopy and 7.94 square ft. of wall signage on building for a total of 93.89 square ft. of wall signage.
  - 2) 278.75 square ft. of design element on the canopy.
  - 3) 92.92' of 6.5" high light bar on the canopy.
  - 4) 11.50 square ft. of painted design element per column, on 4 canopy columns for a total of 46 square ft.
  - 5) 46.22 square ft. of signage per gas pump on 3 pumps, for a total of 138.66 square ft.
- Total of 557.30 square ft. of wall signage and 92.92 feet on 6.5" light bar.

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

Board Member Assessor supported the motion.

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

**Roll Call:**

A roll call was taken on the motion. The motion carried (6 – 2).

Secretary Jerzy

Yes, for the reasons stated in the motion.

Board Member Assessor	Yes, for the reasons stated in the motion.
Board Member Nestorowicz	Yes, for the reasons stated in the motion.
Board Member Clift	No, grossly in excess to the ordinance on the books.
Board Member Green	Yes, for the reasons stated in the motion.
Board Member Watts	Yes, for the reasons stated in the motion.
Board Member Lindsey	No, because item number 3. Due to he does think it's a detriment and not necessary for the building.
Chairman Sophiea	Yes, for the reasons stated in the motion.

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

9. PUBLIC HEARING:

**APPLICANT: Bazo Construction**

(Rescheduled from 7/23/2025)

REPRESENTATIVE:

Sarah Mheisen

COMMON DESCRIPTION:

11550 Thirteen Mile

LEGAL DESCRIPTION:

13-10-226-011

ZONE:

MZ, C-1, P

**VARIANCES REQUESTED: Permission to**

Install new signage as follows:

- 1) 85.95 square ft. of wall signage on canopy #1 (southern most canopy) and 61.66 square ft. of wall signage on canopy #2 (northern most canopy) for a total of 147.61 square ft. of wall signage on the canopies.
  - 2) 730.75 square ft. of design element on the canopies.
  - 3) 243.59' of 6.5" high light bar on the canopies.
  - 4) 46.22 square ft. of signage per gas pump on 5 pumps, for a total of 231.10 square ft.
- Total of 1,109.46 square ft. of wall signage and design elements and 243.59' of 6.5" light bar.  
Existing "CHILLBOX" wall sign to be removed from building per representative.

**ORDINANCES and REQUIREMENTS:**

**Section 4A.35 – Signs Permitted In Commercial Business and Industrial Districts (C-1, C-2, C-3, M-1 and M-2):** Total wall signage of a size not to exceed forty (40) square feet shall be allowed for each business in commercial business and industrial districts zoned C-1, C-2, C-3, M-1 and M-2.

**Section 4A.14 (b) – Prohibited Signs:** Exterior rope lighting, except temporary lighting.

Chairman Sophiea asked for name and address for the record, please.

Sarah Mheisen, 11550 Thirteen Mile, stated she's with Bazo Construction again.

Chairman Sophiea asked her to tell the board about this request.

Sarah Mheisen said it's the same process as the last location. They're just doing a brand change from Valero to Amico. Same process. New signs, gas pumps as well, light bar and they're going to remove the Chillbox off of the store.

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

Board Member Nestorowicz has one question for the petitioner. He knows in the last request they had the sign on the building. He didn't see if there was a sign on this building.

Sarah Mheisen believes there is one. It's a Chillbox, but they're not installing one she doesn't believe.

Board Member Nestorowicz asked that she's only removing the Chillbox from the canopy.

Sarah Mheisen believes there was one on the store that they were removing.

Board Member Nestorowicz asked if that's going to be replaced with a different sign.

Sarah Mheisen answered no.

Board Member Nestorowicz said this one she doesn't need to have a sign on the building where the previous one she did.

Sarah Mheisen explained she was just trying to comply with whatever the city required. They didn't want the Chillbox, so they decided they'll get rid of it.

Board Member Lindsey is going to have the same concern with the light bar. Now he's seeing a request for more than double of a light bar on here. He thinks this could be tastefully done without the light. He's going to echo the same comments he had on the last request for that reason.

Chairman Sophia doesn't see an enforcement action on this parcel. Does she know if that property has already been rebranded.

Sarah Mheisen doesn't believe so. It's the same process, internally illuminated light bar covered. It's not very bright. It goes from one end of the canopy to the other. So on three (3) sides, both canopies.

Board Member Lindsey understands what it is. He thinks it can look just as nice without being lit up.

Sarah Mheisen understands.

Chairman Sophia asked for any other comments from the board or possible motions.

Secretary Jerzy would like to make a motion.

**Motion:**

Secretary Jerzy made a motion to grant the petitioner permission to:  
Install new signage as follows:

- 1) 85.95 square ft. of wall signage on canopy #1 (southern most canopy) and 61.66 square ft. of wall signage on canopy #2 (northern most canopy) for a total of 147.61 square ft. of wall signage on the canopies.
- 2) 730.75 square ft. of design element on the canopies.
- 3) 243.59' of 6.5" high light bar on the canopies.
- 4) 46.22 square ft. of signage per gas pump on 5 pumps, for a total of 231.10 square ft. Total of 1,109.46 square ft. of wall signage and design elements and 243.59' of 6.5" light bar. Existing "CHILLBOX" wall sign to be removed from building per representative.

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

Board Member Assessor supported the motion.

Chairman Sophia stated they have a motion by Secretary Jerzy, support by Mr. Assessor to approve the request as read.

**Roll Call:**

A roll call was taken on the motion. The motion carried (6 – 2).

Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member Assessor	Yes, for the reasons stated in the motion.
Board Member Clift	No, in excess of the ordinances on the books.
Board Member Nestorowicz	Yes, for the reasons stated in the motion.
Board Member Green	Yes, for the reasons stated in the motion.
Board Member Watts	Yes, for the reasons stated in the motion.
Board Member Lindsey	No, thinks it's a detriment. Doesn't think it's necessary.
Chairman Sophia	Yes, for the reasons stated in the motion.

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

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|---|---|
| <p>10. PUBLIC HEARING:<br/>REPRESENTATIVE:<br/>COMMON DESCRIPTION:<br/>LEGAL DESCRIPTION:<br/>ZONE:</p> | <p><b>APPLICANT: Bazo Construction</b><br/>Sarah Mheisen<br/>23011 Hoover<br/>13-27-478-019<br/>M-1</p> |
|---|---|

**VARIANCES REQUESTED: Permission to**

Retain new signage as follows:

- 1) Three 13.64 square ft. wall signs on the canopy and one 22.32 square ft. wall sign on the building for a total of 63.22 square ft. of wall signage.
- 2) 753 square ft. of design element on the canopy.
- 3) 149.5' of 1-1/8" high light bar on the canopy.
- 4) 11.13 square ft. of painted design element per column, on 6 canopy columns for a total of 66.80 square ft.
- 5) 48.48 square ft. of signage per gas pump, on 6 pumps for a total of 290.88 square ft. Total of 1,173.90 square ft. of wall signage and 149.50' of 1-1/8" light.

**ORDINANCES and REQUIREMENTS:**

**Section 4A.35 – Signs Permitted In Commercial Business and Industrial Districts (C-1, C-**

**2, C-3, M-1 and M-2):** c) Total wall signage of a size not to exceed forty (40) square feet shall be allowed for each business in commercial business and industrial districts zoned C-1, C-2, C-3, M-1 and M-2.

**Section 4A.14 (b) – Prohibited Signs:** Exterior rope lighting visible from the public right-of-way except temporary lighting and government signs.

Chairman Sophia said good evening again.

Sarah Mheisen repeated Bazo Construction. 23011 Hoover.

Chairman Sophia thanked her and asked what she would like to add about this request.

Sarah Mheisen believes this location already had an approved variance however many years ago, if she's not mistaken Steve. Correct? All they propose to do is to install the light bar in this case. They're proposing to install the new image, which is the new BP image. It's an existing Sunoco, installed the BP image and then also adding that light bar that was never approved for a variance. Also, they wanted to do rebrand the pumps as well. Also install a to go sign on the store.

Chairman Sophia thanked her for those comments. This is a public hearing. Is there anyone in the audience who wishes to speak on item 10?

No response.

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

Board Member Green said again, none of these are issues where they have to rescind any of the... He's trying to figure out the criteria they use for that is.

Chairman Sophia is looking at the... There's this page.

Board Member Green asked if it's the square footage from before is not more or does it add onto it.

Chairman Sophia said there's a variance from 2019. Be careful though, they don't want to give up the ground sign or something unrelated. Does he see this sheet?

Board Member Green said if you add it up and it's more than... Is he thinking about it backwards?

Chairman Sophia explained a rebrand will usually never be consistent. Usually they try to scrap the old variance for that particular sign package and then give them a variance for whatever the new proposal is.

Board Member Green thinks he's thinking about it backwards. He has one more question. Somewhere in the backup, maybe someone can help him because he can't find it now. There was some statement about a storage container on the property. Did anybody see that? He made a note.

Chairman Sophiea said there is an enforcement log here that the signs are up without permitting. Just as of June there's still a ground sign without an application submitted.

Board Member Green read owner contacted this week, which was 2025, submit name change to BP. Stated he is working on submitting a site plan for addition and have storage containers on the property. He wonders where that went.

Steve Watripont explained that's still on going. To answer the other questions, the overall signage with the design element is greater than what was there before the actual logo signs and names actually shrunk, but because the overall was greater it has to come before them. Also, the gas pump have more signage on them now than they have before. That's why they can't get permits based on the old variances.

Board Member Green asked when he says the storage containers still under discussion.

Steve Watripont didn't look into this. In the recap he doesn't see that its been resolved. Again, he's not the inspector on that.

Board Member Green asked this goes back to procedure how they were talking about last week. If they approve this...

Steve Watripont said they're not approving the storage container. They still follow through with enforcement.

Board Member Green asked if they approve it, they cannot have a storage container.

Steve Watripont explained the storage container is a separate issue and they have a separate enforcement on it.

Board Member Green said he just saw it in the backup. Thank you.

Board Member Watts said question to Mr. Watripont and to the city attorney. If there's an ordinance violation there that's not corrected should they even ben hearing this and voting on it?

Steve Watripont asked him to state that again.

Board Member Watts repeated if there's other ordinance violation, should they even be hearing a variance until the rest is corrected.

Steve Watripont explained they've gone forward to it many times because sometimes it's depending on site plan approval and other processes. They have never held up a variance request that was not related to a site plan for any other reasons.

Board Member Watts stated his reason for asking. He may be over thinking this a little bit, but they know how he is with ordinance violations.

Steve Watripont understands.

Board Member Watts asked why would they grant a variance with all of these other, because there's a list of violations on this property over the years, and now they got one that's still pending that hasn't been resolved. He feels like he's going to vote no, because they either clean the place up and do it right or they're not going to get their variance. That's the way he sees it. Thank you.

Chairman Sophiea understands his frustration and used to vote that way, but his understanding with the ordinance they have a list of criteria for approving and having an outstanding violation is not one of the reasons for denying.

Board Member Watts said sure it would be. Why wouldn't it be? Doesn't make any sense.

Jennifer Pierce doesn't believe there is anything in the ordinances which prevents the board from hearing items where there are outstanding violations. As Mr. Watripont said, sometimes they're in different processes to be corrected.

Board Member Watts is going to tell them how he sees this. When he was on Council, and he knows this is a little different, but when somebody came to them to put in a banquet hall in a strip center. In order to get that banquet hall in there the whole strip center had to be brought up to code. The dumpster enclosure, parking lot, everything had to be brought up to code. He sees it like this, if they're not going to have the rest of the property up to code, why would they issue a variance? That's the way he looks at it.

Steve Watripont understands what he's saying, but in that case it does require the site plan to go forward. So, that has that requirement as he alluded to earlier that the site plan would be the only thing they'd prevent it from going forward.

Chairman Sophiea asked for any other comments from the board.

Secretary Jerzy has a question for Steve. Looking at the variances on the property, would it be safe to say they can rescind the variances granted on 7/10/2019 for the Sunoco?

Steve Watripont replied yes there's no ground sign there. That would include all the wall signage.

Secretary Jerzy said they can rescind that. Would the petitioner be open to rescinding that?

(Inaudible)

Sarah Mheisen said that's fine.

Secretary Jerzy yields the floor.

Board Member Lindsey stated he hates to keep repeating himself and it's not against the petitioner, but if the variance is going to include the light bar he can't vote yes. They have too many lights in this city and there doesn't need to be one across the whole canopy.

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

**Motion:**

Secretary Jerzy made a motion to grant the petitioner the following variances:

Retain new signage as follows:

- 1) Three 13.64 square ft. wall signs on the canopy and one 22.32 square ft. wall sign on the building for a total of 63.22 square ft. of wall signage.
  - 2) 753 square ft. of design element on the canopy.
  - 3) 149.5' of 1-1/8" high light bar on the canopy.
  - 4) 11.13 square ft. of painted design element per column, on 6 canopy columns for a total of 66.80 square ft.
  - 5) 48.48 square ft. of signage per gas pump, on 6 pumps for a total of 290.88 square ft.
- Total of 1,173.90 square ft. of wall signage and ~~149.50' of 1-1/8" light.~~  
Rescind all variances granted on the property on 7/10/2019.

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

Board Member Assessor supported the motion.

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

Secretary Jerzy stated everything except the light bar.

**Roll Call:**

A roll call was taken on the motion. The motion carried (6 – 2).

Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member Assessor	Yes, for the reasons stated in the motion.
Board Member Nestorowicz	Yes, for the reasons stated in the motion.
Board Member Green	Yes, for the reasons stated in the motion.
Board Member Clift	No, this is 25 square feet from being 30 times the amount allowed by ordinance.
Board Member Watts	No, based on unsolved ordinance violations.
Board Member Lindsey	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 previously read.

Steve Watripont stated as a point of order and asked the city attorney if they should vote on item 3 separately. As it was not part of the approval.

Secretary Jerzy said they approved everything but that. It leaves it open ended. If they want to come back for it and try again.

Steve Watripont said it's part of the request, that's why he's asking.

Jennifer Pierce said as a point of order, it might be a good idea to. At least that will give them an

avenue of appeal if they want to do that. Otherwise, they're stuck with no legal avenues.

**Motion:**

Secretary Jerzy made a motion to deny item 3, 149.5' of 1-1/8" high light bar on the canopy.

Reasons being: Self-imposed; Detriment to the area; Not necessary.

Board Member Green supported the motion.

Chairman Sophiea said they have a motion by Secretary Jerzy, supported by Mr. Green to deny item 3 of the request. A yes vote is to deny.

**Roll Call:**

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

Secretary Jerzy	Yes, to deny.
Board Member Green	Yes, to deny.
Board Member Clift	Yes, to deny.
Board Member Watts	Yes, to deny.
Board Member Lindsey	Yes, to deny.
Board Member Assessor	Yes, to deny.
Board Member Nestorowicz	Yes, to deny.
Chairman Sophiea	Yes, for the reasons stated in the motion.

The petitioner's request for item 3 was **DENIED** as written.

- |                     |                              |
|---------------------|------------------------------|
| 11. PUBLIC HEARING: | <b>APPLICANT: Katie Bell</b> |
| REPRESENTATIVE:     | Nathaniel and Katie Bell     |
| COMMON DESCRIPTION: | 8581 Linda                   |
| LEGAL DESCRIPTION:  | 13-15-176-020                |
| ZONE:               | R-1-C                        |

**VARIANCES REQUESTED: Permission to**

- 1) Retain an 10' x 12' gazebo, on the patio and waive the requirement of a 24" rat wall.
- 2) Erect a 2<sup>nd</sup> accessory structure, a 10' x 12' shed that will not be placed against another accessory structure.
- 3) Install 100' of 8' high privacy fence adjacent to the south property line.

**ORDINANCES and REQUIREMENTS:**

**Section 4.20 (a) – Detached Accessory Buildings:** 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.

**Section 4D.33 (a) – Privacy Fences On Interior Lots:** Interior lots. On interior lots in residential areas, privacy fences may be located on the lot line or immediately adjacent thereto and may be

constructed not more than six (6) feet in height above the established grade of the property and shall not extend beyond either the front building of the property or into the front yard setback.

Chairman Sophiaea said good evening. Please start with name and address.

Katie Bell, 8581 Linda, appeared before the board. She wanted to get a... she wanted to higher her privacy fence because as of right now she has no privacy. There is a camera in her neighbors yard facing into her yard. She goes out, gets in her pool with her daughter and people are looking through the fence. For the gazebo, she wanted to have the rat wall waived. Then for the structure, she just wanted to add a shed in her yard as they don't have space for their kids stuff in the garage. She needed more space to store stuff.

Chairman Sophiaea thanked her for those comments. This is a public hearing. Is there anyone in the audience who wishes to speak on this item? Please approach. He asked the petitioner to step aside.

David Strunk, 8589 Linda, appeared before the board saying good evening Zoning Board. They're here for one reason and that's the variance Katie Bell is requesting. Granting her even one of the requests it would continue to put a hardship on himself and surrounding neighbors. Their canopy that's up right now... He asked the board if they have the pictures.

Chairman Sophiaea replied they have the pictures.

David Strunk continued saying there's no rat wall. They put it up without a permit. There's already rats in the yard from the dog feces they have. That's just another place for them to go. The lights were put up four feet from the property line, so lights shine into their bedrooms all night long sometimes. They can't even sleep. They try to go to bed early. They have the noise. They've got the smoke from being that close to the house. That's one thing he wanted to see denied. The fence, they want an eight (8) foot privacy fence in the yard. He doesn't even think their one that's up now against the chain link fence is pushing it to where it's almost falling down and there's no other eight (8) foot one in the whole area. That would just look not even good. He thinks the property values would go down to even acknowledge that. As far as the shed, he doesn't know what he stores in it. If it's propane inflammables, he would ask that be at least ten (10) feet because he does masonry work and has all those kind of materials.

(Inaudible)

David Strunk said to let him speak, sir. In any event, he wants to make sure there was at least ten (10) feet from anyone's neighbors where they're storing. Who knows what they're putting in there. He doesn't know. He would like to see that one, the seven (7) foot denied. He would want at least ten (10) feet. The city's rule that denied them for the facts accordingly. He would confirm what the city has already done. Thank you.

Chairman Sophiaea thanked him.

Patty Hattfield appeared before the board stating she lives on Linda Street. She has lived there for twenty-four (24) years.

Chairman Sophiea asked her for her address.

Patty Hattfield stated 8503 Linda. She heard Mr. Strunk's concerns. Part of the reason Ms. Bell would like to put up an eight (8) foot privacy fence. The gazebo, he complains about the lights. If she put up the eight (8) foot fence that would really remedy his situation. Unfortunately, she has been friends with Katie since she moved and she has been nothing but harassed by this neighbor. It's part of why she would like the fence. She thinks the board should vote yes for that. As for the gazebo, they all hang out there. They're all friends with the Bell's. They go there, have a good time. The only person who has a problem is the man that was just up here. So, she is asking that the board does vote for her variance for both the fence and the gazebo without having the rat wall. They have rats all in their neighborhood. She just brought that up to property maintenance. It has nothing to do with the Bell's house. They have people with chickens, you name it, it's in their neighborhood. They can't say they're all coming from the Bell's house. Thank you. She told the board to have a great night.

Chairman Sophiea said this is a public hearing.

Tony Prano, 8586 Christine, appeared before the board stating he's been there since '89. Now, Mr. Strunk... He was the neighborhood watch, he has it all here. He started the neighborhood watch with a little bit of support from Mr. Strunk when he wasn't so contentious or pugnacious. It seems he's the only one on all these people that have something to be upset with these folks. He agrees with Mrs. Hattfield. They put an eight (8) foot fence up, it fixes their problem. The canopy is movable, it's not permanent. They can move it. As far as their shed, they have four (4) children. They have bikes, they have lawn mowers, they have a lot of... He just had a shed. He agrees with (inaudible). Ever since he got out of Jackson prison for selling coke to an undercover cop, he has been one pugnacious SOB. He'll tell the board, there is not one (1) person on the street he has...

Chairman Sophiea said they're not here to talk about the neighbors.

Tony Prano stated he's the one that's starting the crap. So, he's just trying to defend these folks for seven (7) years. Nicest people, nicest property. Everything is fine, they're peaceful. The lights are little tiny bulbs. All he can complain about his them. Everybody else... actually the neighbors across the street moved because of him yapping his mouth. He agrees with her. These folks are very good folks. She works for the school. Their kids all go to school. Their kids all have good clothes. They drive nice vehicles. They take care of there property like they should. Mr. (inaudible) over there has a problem with them. Everybody that has been in that house since he's been in '89 he has a problem with; whoever lives in that house. He doesn't care who. Since the original owner he'd yap about them. So, he just hopes the board grants their variances. All of them and quit listening to one cat. They have a whole neighborhood. He has them here if the board wants this. Nobody is coming... Mr. Strunk grew up on the street. He knows all about that cat. His dad was friends... Actually, he was friends with him for a little while.

Chairman Sophiea asked if he had anything else to add about the three (3) variance items, sir.

Tony Prano said that's it. He hopes the board supports the bells and again he concurs with...

Chairman Sophiea thanked him for coming out and his comments.

Tony Prano said if he needs more.

Chairman Sophiea said this is a public hearing. Is there anyone else in the audience? Please approach.

Judy Chicka, 8564 Christine, appeared before the board stating she's lived there all her life. She supports the Bell's and what they want to accomplish. Because of Mr. Strunk they've caused them these issues and concerns and need to take care of their own lives and live their lives. He's been nothing but a bearer on the neighborhood and a nuisance. She agrees and support and hopes the board does see fit and approving what they're requesting. Thank you.

Chairman Sophiea thanked her.

Karen Sutton, 129 Washington, appeared before the board stating she is the sister of David Strunk. She would like to say instead of doing a character assassination, which is clearly what a few of these people would have liked to accomplish tonight, they are here for the variance. That's it. That simple. The board has the pictures. They can see an eight (8) foot fence does not resolve the light issue. The one gentleman was absolutely right. They can go ahead and move the canopy. So, move it to the back of the house and that would actually resolve some of that. They have been denied before. They were rejected. She's sure the board has that paperwork as well. She asks the board go ahead and stand by the city's decision and deny them their variance. Thank you.

Chairman Sophiea said this is a public hearing and asked for anyone else in the audience that would like to speak on this item.

No response.

Chairman Sophiea closed the public portion of the meeting. He turned it over to Secretary Jerzy. They have two (2) letters to summarize into the record.

Secretary Jerzy said the first one is from the previous lady that was just up here, Mrs. Sutton.

"My name is Karen Sutton. I am the brother of David Strunk who resides next to the Bell's south side. The Bell's want to erect their 8 foot fence. Katie Bell's application for variance does not give 1 valid reason for this board to overturn the rejection that was previously made by the city. My family has lived at 8589 Linda since the neighborhood was built in the '60s. Over the passed 6 decades theres nothing new or unique that has taken place in that neighborhood to warrant granting the Bell's any sort of variance. The request is purely to satisfy their own selfish motives. It would not add any value. By taking down the gazebo, which would take 20 minutes with putting up a table and chairs with an umbrella it would eliminate a number of issues. Lights, rat wall, etc. Watning to erect an 8 foot privacy fence is beyond ridiculous and costly. Not to mention tacky. The height of the fence is not the problem. The behavior of the Bell's and their friends are the issue. The height of the fence does not stop the noise, the lights, the smoke, the dog feces smell, the nightly parties. Those things will still continue just as they are now.

Unfortunately, there are already rats in the yard which makes the need for a rat wall on the structure even more imperative to prevent even further infestation. Regarding the Bell's wanting to erect the shed comes down to plain laziness. Mrs. Bell's own words state she simply does not want to move stuff around the garage. Clean the garage and put the antique car in storage and there would be all kinds of room. Regarding any harassment. I do not need to touch on this, but I will. While I do not currently live in the area, I still visit and very aware of the issues between my brother and the Bell's and their friends. I have personally witnessed and experienced the harassment bullying and verbal abuse and intimidation by Mrs. Bell and her friends. As recently as this past Sunday while my brother and I were standing on the porch and the police had to be called. The real problem here is the Bell's lifestyle and blatant disregard for any authority. The city has rules and regulations and ordinances in place for reason and those should not be overlooked or disregarded because someone wants to live a lawless lifestyle. Therefore, I ask you to deny Mrs. Bell's application for variance and force them to remove the canopy immediately and the penalties be enforced if they chose not to comply or put the canopy back up. Thank you for your time and consideration. Karen Sutton"

He also has another email from Mark Chopp who lives at 8636 Christine. It says:

"Dear Members of the Zoning Board of Appeals, I am writing to support Katie Bell's application for the three variances retain the gazebo, install a 2 nd accessory structure and install a privacy fence. On their property at 8581 Linda. I encourage you to grant all 3 variances.

Chairman Sophiea thanked him. Before he turns it over to the board for discussion he just wanted to remind everyone tonight their objective tonight is to evaluate these three (3) variance requests. They're not getting into any neighbor disputes or characterizations about whose a good neighbor, whose a bad neighbor, whose this and whose that. He's not going to allow that tonight. They're going to discuss strictly these three (3) items tonight she's requesting. With that he'll turn it over to whoever has a comment or question.

Board Member Nestorowicz said you know, they heard opinions on both sides, but he has no issues with a second accessory structure. That item he has no issues with. But an eight (8) foot high privacy fence. The city allows six (6). He does not think they should be getting into allowing eight (8) foot fences in the city. He would not be in support of that item. Personally, when they have ordinances that require rat walls, he doesn't believe in waiving required rat walls. That's just his opinion on that. He has no problem with the second accessory structure, but he has issues with the other two (2) items.

Chairman Sophiea thanked him. He has a question for the petitioner. He's looking at a picture of the privacy fence attached to the chain link. The wood fencing material, what is eight (8) feet tall.

Katie Bell explained they couldn't get in the yard to put that fence up properly because he would not allow them to go put that fence up properly. There was no way of doing it. Then as for not being able to where they don't think it's ok. She's telling the board, they have been harassed. They need privacy. Six (6) foot is not enough when they have cameras facing in their yard. The

only reason they know of anything going on in their yard is because of the cameras watching them.

Chairman Sophiea said the question is there's a wood panel on this chain link fence. What is the height of that? Is it six (6) feet?

Katie Bell replied yes.

Chairman Sophiea asked what they are talking eight (8) feet.

Katie Bell explained they wanted to see if they could get them heightened, like the panels to eight (8) foot so it blocks out the camera, blocks out the lights. What he's complaining about. They're not a corner house.

Chairman Sophiea said excuse me. The wood panel that is currently affixed is currently six (6) feet tall. They have posts that extend two (2) feet passed that.

Katie Bell said right, because they were told to leave them incase they did need to come in front of zoning to have it put up another two (2) feet.

Chairman Sophiea said that makes sense. The eight (8) foot is not up yet, the posts are extending eight (8) feet.

Katie Bell said right. They've been like that since they put it up because they were told to leave it.

Chairman Sophiea said that makes sense. He doesn't want to see the... He understands the frustrations with the neighbors. Sometimes neighbors don't get along. They have never, to his knowledge, approved an eight (8) foot residential privacy fence. They just haven't. he doesn't have a problem with the shed. They grant sheds all the time. It's a reasonable size.

Mr. Bell said the gazebo is actually on a five (5) inch patio concrete pad. So, to put a rat wall there they would literally have to saw cut it just to dig down to make a rat wall.

Chairman Sophiea asked him for his name for the record.

Nathaniel Bell stated his name. He lives at 8581 Linda.

Chairman Sophiea said great. The gazebo is bolted or affixed to the concrete somehow.

Katie Bell said there are sandbags holding it down.

Chairman Sophiea said it's more temporary in nature.

Katie Bell said exactly.

Secretary Jerzy said to the petitioner real quick, Mr. Chair, if he could. Does the gazebo come down in the winter?

Katie Bell explained they usually take the top off of it. They leave the metal part up because they don't store anything under it or anything like that.

Secretary Jerzy thanked her. That's all he had.

Board Member Watts explained they recently had a gazebo like this. He doesn't see that they voted on. He doesn't see the need for the rat wall. It's simply four (4) legs basically holding it up. He doesn't understand why that would be required. He thinks it's more so because of the size. He thinks if it goes from ten (10) by ten (10) to ten (10) by twelve (12), that requires a permit if he's not mistaken. Is that correct, Mr. Watriont? He can't recall what was said at that last meeting.

Steve Watriont said that is not correct. Any accessory structure does require a permit. Even two (2) by two (2) would require an accessory structure permit. The ordinance does not allow for those without walls or anything and that's why those gazebo's have come before the board before.

Board Member Watts asked they are required to have a rat wall by ordinance.

Steve Watriont explained by ordinance there is no exception to that ordinance. They're going to see that probably with these chicken coops coming with the new ordinance there as well.

Board Member Watts asked if they waived the rat wall in the past on the gazebos.

Steve Watriont knows they have. He doesn't recall the addresses, but he knows it has been waived on a couple properties in the recent past.

Board Member Watts appreciated him clarifying that. He particularly doesn't care about the shed, because it has to be done by ordinance anyways. He thinks this is like a couple other things. This eight (8) foot high privacy fence is definitely against the ordinance. If they allow one (1) eight (8) foot high privacy fence. The next thing you know, they're going to have one neighbor with a six (6) foot privacy fence, then they're going to have a neighbor with an eight (8) foot privacy fence. It's going to be all over the city. It's a bad precedent to set by giving a variance for an eight (8) foot privacy fence when it's strictly against the ordinance. He means, they already have problems with privacy fences. He understands their concern. He understands the concern, but putting an eight (8) foot privacy fence, in his opinion, is not going to stop the problem with the camera. So, that's why he would be against... He means, he's against the privacy fence strictly because of the ordinance, add in the caveat he doesn't think that will stop the other problem. He's ok with the two (2), he's against the privacy fence.

Chairman Sophiea said Mr. Watt's raised a good point. These gazebos, although they're temporary in nature and it would be silly to have a rat wall in his opinion on something like that, because these items, these gazebos, they see them regularly on peoples wood deck. They drill the four (4) legs into the deck and underneath the deck there's just a void of space and there's lattice. That's even worse than having it on a hard solid surface.

Secretary Jerzy can get behind the first two (2) items. He can't get behind an eight (8) foot

privacy fence. To him, it just becomes a safety issue at that point. Having an eight (8) foot privacy fence doesn't allow if there's a police situation, somebody has a heart attack in the back yard, police and fire come to the property, they can't see into the yard to see what's going on. There's a reason they have the six (6) foot limit and not an eight (8) foot limit. He does agree if they start granting eight (8) feet privacy fences they're going to be popping up everywhere. It sets a dangerous precedent. They did actually have, he thinks, last year they had a property where a lady had an oversized privacy fence on her whole lot and made her remove the whole thing because she didn't have, was put up without a permit. So, there is precedent for not having eight (8) foot high privacy fences in Warren that were actually even currently built. He can't get behind an eight (8) foot privacy fence. He understands her point. He understands they can't get along with neighbors. They can't choose who they live next to, but there are certain rules in place for peoples safety as well. That's where he's at with it. It's not a privacy issue it's more of a safety issue, because this will go with the property forever more forever. Past their lifetime, her daughters lifetimes, everything. So, if something happens on that property, police can't see what's going on, somebody is having a heart attack or medical emergency in the backyard because they're cutting the grass. Numerous things come into play that an eight (8) foot privacy fence would be a detriment. He's not in favor of that but he's also in favor of granting the first two (2). He yields the floor.

Board Member Lindsey has a quick question for the petitioner. So, he's looking at their drawings. It looks like the shed does have a rat wall?

Katie Bell replied there will be. They haven't even started it yet because they wanted to make sure they got the permission before they went ahead with anything.

Board Member Lindsey said that's a good call and thanked them. He's trying to see where their house is exactly. Is the shed going to be in the line of sight from the front yard.

Katie Bell replied no. It's going to be in the middle of the backyard. It has to be seven (7) feet off the fence.

Board Member Lindsey said that answers his question. Just for their knowledge, he's going to echo the comments of the board members up here today. He's in favor of the shed and gazebo. They have approved these gazebos a bunch of times, but he's not going to vote yes on the eight (8) foot privacy fence.

Board Member Cliff would like to talk about some dimensional placement to Mr. Watripont. The placement of the gazebo on the property at four (4) feet ten (10) inches away from the, he's assuming the privacy fence, is on or close to the property line. Is that in line with the ordinance? The placement of that particular structure?

Steve Watripont answered any accessory structure must be behind the building lines of the primary structure, which would be the house. He is not sure looking at this picture.

Board Member Cliff referred to the aerial.

Steve Watripont believes that is behind...

Board Member Clift said behind the front line of the primary residence, the garage actually. The front line extends behind the primary residence.

Steve Watriont said the attached garage would be part of it.

Board Member Clift said this is behind that. He's questioning the off set from the property line itself. He knows they have to be off an easement so far from the rear for accessory structures. It's just for the Warren ordinance he's not exactly clear if there's a requirement for an off set for accessory structures.

Steve Watriont said the requirement is behind the building line of the house. That's it.

Board Member Clift said alright. He has a twofold concern here. Again, along with his colleagues, he has no beef with the shed thing going in as long as it's done to permit. They routinely approve these gazebos things with no rat walls, but they have a couple of residents come up and talk about light infiltration issues. He doesn't think the board really... The petitioner's talking about privacy with cameras coming in off and requesting an eight (8) foot fence. He actually thought maybe that would eliminate some of the lighting issues going on that the neighbor and somebody else that came up and talking about might resolve. Full disclosure, he lived in a situation for many years where he wishes he could have had a fifteen (15) foot fence. He's just plain speaking here, because there was no dealing with what he had going on. Nobody was interested in dealing with what was happening and he would've loved to have a fifteen (15) foot fence. That's why he's pretty partial. He's heart set and very close to privacy. That's your yard, that's your sanctuary. That's where you're supposed be able to find your peace. But if you've got somebody adjacent that is, under your perception, of breaking that peace. Sometimes it's nice to come to some kind of amicable agreement or resolution. The big thing he's seeing, he means he's looking at photographs of canopy lighting. He knows they're basically considered a low watt bulb, not very overly intrusive. But a gentleman did provide some photographs of what he's got going on in his bedroom when those lights are illuminated. Not going on in his bedroom, but seeing what the lights is going on. You guys with the minds out there, stop it. An eight (8) foot fence would have taken care of that issue for the guy, but it doesn't appear his colleagues are in favor of something on the line of an eight (8) foot fence to resolve that issue or the issue with the camera.

Katie Bell asked if she could make a comment very fast.

Board Member Clift said when he asks her a direct question he'll request a direct answer and he's fixing to ask her a direct question. Would she entertain restrictions on her lighting to coincide with noise ordinance on darkening those lights?

Katie Bell explained they actually already put up a screen. They talked to his friend that came over and agreed to shut them off at a certain time so they weren't bothering him. It didn't help. Nothing helps. That's why she asked...

Board Member Clift asked what the time frame was.

Katie Bell said they shut them off at 8 or 9 o'clock. Before it even got dark.

Board Member Clift said ok.

Katie Bell explained at one point they weren't even turning them on because they were trying to be decent. There is no being decent.

Board Member Clift said he's just going by what the gentleman came up and talked about in the hearing now. He was just looking to see if they would be open to a restriction on the lighting back there hours wise. If that was something she would entertain and he would present that to her colleagues.

Katie Bell explained they have tried it. Like she said, it didn't work. It doesn't matter. It honestly does not matter. They have tried everything. She shut them off where they weren't going on at all, unplug them. She got a phone call from the city about her gazebo. That's why they're here.

Board Member Clift said he's speaking of the lights under the gazebo.

Katie Bell relied yeah.

Board Member Clift said ok, just for clarity. That's it, he yields the floor.

Chairman Sophiea said to his knowledge there is no zoning ordinance about residential lights. These are Edison lights. He has them in his backyard. Everyone has them. He's happy when his neighbor keeps them on at night because there's a little light in the backyard for security. The other thing too is, he has lights from the commercial building shining into his room at night. So you go to JC Penny, he doesn't know if JC Penny's, wherever you buy drapes from and you get black out curtains. It's simple. Anyway, he thinks they beat this item up pretty good.

Board Member Watts wanted to clarify one thing. It was mentioned under the public hearing that there has been previously variances requested. According to their records here, there has been no previous.

Katie Bell said no.

(Inaudible)

Steve Watripont said that is true. He doesn't see any variances that were requested. There is nothing in the packet. He doesn't have access to look at it here at the meeting. He did get a tablet, so he will have it in the future. He's getting it set up and he will be able to look up specific things like that right here in the future.

Board Member Watts went through the packet and then noticed it was noted.

Steve Watripont said it was noted. He looked through it too when he heard that. He was ready for that question.

Board Member Watts thanked him.

Chairman Sophiea said they heard the boards comments tonight. What he would like to do is separate these items based on the comments he's hearing. They should separate item 3 into it's

own motion. With that being said would someone care to make the first motion?

**Motion:**

Secretary Jerzy made a motion to grant the petitioner request to:

- 1) Retain an 10' x 12' gazebo, on the patio and waive the requirement of a 24" rat wall.
- 2) Erect a 2<sup>nd</sup> accessory structure, a 10' x 12' shed that will not be placed against another accessory structure.

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

Board Member Lindsey supported the motion.

Chairman Sophiaea said they have a motion by Secretary Jerzy, supported by Mr. Lindsey to approve the request 1 and 2.

**Roll Call:**

A roll call was taken on the motion. The motion carried (7 – 1).

Secretary Jerzy	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 Clift	Yes, for the reasons stated in the motion.
Board Member Green	Yes, for the reasons stated in the motion.
Board Member Watts	Yes, for the reasons stated in the motion.
Board Member Nestorowicz	No, detriment to the area and self-imposed.
Chairman Sophiaea	Yes, for the reasons stated in the motion.

The petitioner's request for 1 and 2 was **APPROVED** as written.

**Motion:**

Board Member Lindsey made a motion to deny permission for:

- 3) Install 100' of 8' high privacy fence adjacent to the south property line.

Reasons being: Detriment to the area.

Board Member Assessor supported the motion.

Chairman Sophiaea said they have a motion to deny by Mr. Lindsey, supported by Mr. Assessor to deny request number 3. A yes vote is to deny.

**Roll Call:**

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

Board Member Lindsey	Yes, to deny.
Board Member Assessor	Yes, to deny.
Board Member Clift	Yes, to deny.
Board Member Green	Yes, to deny.
Board Member Watts	Yes, to deny.

Board Member Nestorowicz	Yes, to deny.
Secretary Jerzy	Yes, to deny.
Chairman Sophiea	Yes, to deny.

The petitioner's request for 3 was **DENIED** as written.

<b>12. PUBLIC HEARING:</b>	<b>APPLICANT: Peter Sabbagh</b>
REPRESENTATIVE:	Same as above.
COMMON DESCRIPTION:	4603 Thirteen Mile
LEGAL DESCRIPTION:	13-05-383-036
ZONE:	R-1-C

**VARIANCES REQUESTED: Permission to**

Retain a 18' 6" x 24' 6" (453.25 square ft.) widened portion of driveway in front yard.

**ORDINANCES and REQUIREMENTS:**

**Section 4.06 – Yard Use:** No part of any required yard, except a rear or side yard shall be used for any detached garage or any accessory building other than garage or use, or for the storage of vehicles. Any portion of a lot in front of the front building line shall be used for ornamental purposes only and nothing shall be placed thereon except trees, shrubs, or items of similar nature.

Peter Sabbagh, 18851 Sanhurst, appeared before the board stating they're requesting to keep the concrete in front of the home. It's in front of the porch and the house. When he bought the house in 2023 the porch was destroyed and the sidewalk was destroyed. When he was replacing that, he called the city and wanted to widen the driveway and he asked...

(Inaudible)

Chairman Sophiea said excuse me.

(Inaudible yelling from the audience.)

Chairman Sophiea stated for them to get out and asked the petitioner to please continue.

Peter Sabbagh explained he called the city asking to widen the driveway. He was told that... he said he wanted to get a permit to see about widening the driveway. They said as long as they're not going in the road right-of-way he doesn't need a permit. So, he said ok and had no idea about not having concrete in front of the homes because there's other homes out there on Thirteen Mile that have widened driveways and never thought anything of it. Had he needed a permit, he would have had an inspector come and let him know that he was not allowed to do that or he wouldn't have submitted plans that he would have known he couldn't do this. After the fact, now that they poured the concrete, redid the porch, redid the landscaping and now he's getting told he has to remove it. It's a safety concern because they're on Thirteen Mile. They have a turn around to go out sometimes because of bad weather. There are trees on the boulevard and can't see cars coming up and down Thirteen Mile. Some traffic. You have to pull out and back out into the road and you don't see a car, the car hits you. It's a little bit of a concern. With him is his sister.

Chairman Sophiea thanked him for his 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 him to run him through the time line one more time. When did he install this?

Peter Sabbagh answered he installed it last year.

Board Member Clift asked last year.

Peter Sabbagh replied yes. He doesn't have before and after pictures.

Board Member Clift said that's ok. What he's hoping for is he may have recalled who he spoke with in the Building Department. He knows he doesn't take notes or anything.

Peter Sabbagh explained you call somebody, you ask what to do, this and that. When you're told you don't have to do anything, do you keep track of that? No. He never thought anything of it. He never thought he'd be in front of this board to speak on this.

Board Member Clift has a real problem with people expanding parking areas into the front of their house. It's not that he doesn't understand why he's doing it. He thinks that in a perfect world there may be things that could address situations similar to his and his neighbors on busy streets like Thirteen Mile, Twelve Mile and other places where it seems to be happening an awful lot. Even becoming a necessity for some people. He just wanted to clear up the timeline because he didn't hear him clearly. It's not the petitioner's fault, it's his. He purchased the house in 2024, also?

Peter Sabbagh replied 2023.

Board Member Clift said he purchased the house in 2023 and made the improvement in 2024.

Peter Sabbagh explained he sold it to his sister and brother-in-law.

Board Member Clift asked dimensionally how wide.

Peter Sabbagh answered eighteen (18) by twenty-four (24) he believes.

Board Member Clift said that basically takes half the front yard.

Peter Sabbagh said there's still half of it left. They're not using it for parking, it's just for turn around. Half of that is actually in front of the porch.

Board Member Clift sees that on his drawing. He sees the picture. That's a nice porch. He yields

the floor.

Board Member Watts explained he goes by there quite a bit. He has been by there intentionally since he's received the packet. He found cars parked on that new concrete. They don't look like they were turning around to him. Secondly, in his opinion, he didn't widen the driveway. He built parking spaces in the front yard. They don't do things like that. Unfortunately, they've got some problems they just made a couple people take them out already. People are doing it just like he did. It's a detriment to the area. It lowers property values. When he bought the house, he's sure he knew that it was going to be a problem living on Thirteen Mile. Or he hopes he would've thought of that. Personally, his house backs up to Hayes and they have the same problem on Hayes. People have figured out how to deal with it. He drives by and sees there is a trailer in the driveway. That would resolve some issues if he didn't have a trailer parked there where they could pull in the back and perhaps getting more room to turn around. He doesn't know what the backyard looks like, he's assuming. He's not in favor of this. Again, like he said, they said they asked to widen the driveway. He didn't widen the driveway, he made a parking lot. There's a whole difference there. If he was going to make that kind of move, he would have made sure that he had the peoples names of the people who told him he could do that. He lived in the city a long time and trust him, before he got involved in this stuff, he had his share of problems with a couple issues. He had names to back him up. So, he's going to be a no vote on this. This is really bad. Like he said, it's a detriment to the area. He wouldn't want that next door to him. Thank you.

Board Member Lindsey said he guesses the question would be for Mr. Watripont. He's looking at the picture. He agrees with Mr. Watts. It's way too wide. Would the ordinance allow it to where just the porch is or to where the porch starts.

(Inaudible)

Steve Watripont asked him to repeat that. The gentleman was asking him about how didn't get to speak and he knows public hearing is already closed.

Board Member Lindsey said when he looks at the driveway. Is the original ordinance, does it allow the driveway to come to the start of the porch there or basically to the end of the porch where he has the landscaping starting.

Steve Watripont explained he went through this with another inspector today, not a zoning inspector. The way he stated it is a driveway can go to the sides of the garage as long as it doesn't go in front of the porch. It can go from the edge of the house to the edge of the garage. That garage is offset, that throws it off a little bit. They still allow for a maneuvering lane to get into the garage.

Board Member Lindsey thanked him. So, just to the board when he looks at this. Obviously, he's not in favor for as wide as it is. He agrees it looks like a parking lot and they want to see green grass. He understands, and he does have some empathy for residents living on these main roads. He knows they had a similar situation about a month back where they had a gentleman on Thirteen Mile Road as well. He thinks he had about half of this and he was in favor of that. This is excessive. He can't be in favor of this.

Board Member Green said this is a slippery slope. Mr. Watripont. His understanding of reading the ordinance, and he could be wrong. That it is the opening of the garage, not the actual garage.

Steve Watripont said no they actually allow it from the edge of the garage.

Board Member Green asked if it's a detached garage there is a difference right.

Steve Watripont said if it's a detached garage it's the same thing. Most detached garages are behind the house, so they can't go farther than the edge of the house. That's where he clarified it for another inspector just like that today.

Board Member Green thanked him.

Chairman Sophiea asked for any other comments from the board. He knows this is excessive like this. There is no way this is going to get approved like this. He does know there are some other driveway extensions along Thirteen Mile that are more tastefully done. In fact, in the packet here there is a photograph here of 4593. He thinks that's Thirteen Mile. That driveway extension, like Mr. Lindsey said, just goes in front of the porch. Something like that he could get behind.

Board Member Green asked if he could piggy back on that. Mr. Watts and him talked about this before, too. If they do that, it would be... somehow they would have to make... and this is where they talk about making new ordinances and stuff like that. It has to be specific to the main roads only. In the residential areas you see some of these driveways that are pushing the limit. They're a foot from the property line, they go past the approach on the way they go about a persons front porch. It is a different situation when you're on a main road. Somewhere they're going to have to come up with a standard or something, because that's just his feeling that he's sharing. Thank you.

Board Member Nestorowicz has always been in favor of understanding people on main roads when they have issues, especially if their driveway is a one car driveway. Unfortunately, this property he thinks is overkill. Half the yard seems paved over. It's like even as he mentioned that property of 5493. They have additional driveway space they hopefully got approval for. Also, it only covers up to the porch. It's not like the entire yard is being paved over. He can always get behind and support something like that one, because that's a smaller amount. It doesn't go past the porch. When half the yard is being almost paved, he thinks that's too much and excessive. That's why he can't get behind this.

Board Member Lindsey said if there's no other comments from the board he would like to make a motion.

Chairman Sophiea would like to ask the petitioner. He heard the boards comments tonight.

Peter Sabbagh was actually questioning if the board could see the joint in the driveway. The one with the extended driveway. If they went to that joint and cut removed that concrete that's to the right of the porch, would the board be opposed to that? What does the board thing?

Board Member Lindsey doesn't see the joint.

Chairman Sophiea is not seeing the joint.

(Inaudible)

Peter Sabbagh said it's the line that's... It's a controlled joint.

Chairman Sophiea asked if it just extends...

Peter Sabbagh said he'll saw cut right down there and cut that so it's a nice clean cut.

Chairman Sophiea is having a hard time seeing that. Does that line up with the porch?

Secretary Jerzy explained it lines up with the right rale of the porch.

(Inaudible)

Chairman Sophiea asked if it lines up with the sidewalk.

Peter Sabbagh said he can cut it to the sidewalk joint if that's what the board. It's just a saw cut.

Chairman Sophiea stated his compromise for his vote would be just in line with the edge of the porch.

Board Member Lindsey said he's fine with that.

Board Member Watts asked if they're talking about the right side of the porch looking straight at it.

Chairman Sophiea said correct.

Board Member Lindsey said if they look at the pictures later in the packet, he thinks you can see the joint.

Secretary Jerzy said right rale.

Peter Sabbagh replied yes. It's even with the rale of the porch. He has a phone so he can zoom into his.

Secretary Jerzy said since everyone else is throwing their three cents in, he'll throw his in. He's not in favor of any kind of concrete in the front yard. He doesn't care if they're on a main road, side road, back road, or any road. He personally, looking at the backup material, looking at BS&A. He believes that the extension for the driveway is completely self-imposed because he does believe that maybe this gentleman might be running a business out of his house to turn his trailer around. Which is another bowl of wax. That's the way he sees it. He sees that this was put in because he needed somewhere to turn his trailer around. It's not for eighteen (18) cars in his household or five (5), six (6), seven (7) cars. He still doesn't see the hardship other than the fact of turning around the trailer and running a business out of the house. That's the way he sees it. He's seen enough of these come through and that's kind of what he reads between the lines

on this. Board members are free to do what they want, but he's going to vote no no matter what. That's his two cents. He yields the floor.

Chairman Sophiaea thanked him. Any other comments or possible motions.

Board Member Watts is prepared to make a motion.

**Motion:**

Board Member Watts made a motion to deny the petitioner's request to retain a 18' 6" x 24' 6" (453.25 square ft.) widened portion of driveway in front yard.

Reasons being: Detriment to the area.

Board Member Lindsey supported the motion.

Chairman Sophiaea said they have a motion by Mr. Watts, supported by Mr. Lindsey to deny. The reasons Mr. Watts, if he could repeat them.

Board Member Watts stated it's a detriment to the area and the ordinance doesn't provide for it.

Chairman Sophiaea said for the reasons stated in the motion. A yes vote is to deny.

**Roll Call:**

A roll call was taken on the motion. The motion carried (6 – 2).

Board Member Watts	Yes, to deny.
Board Member Lindsey	Yes, to deny.
Board Member Assessor	Yes, to deny.
Board Member Clift	Yes, to deny.
Board Member Green	Yes, to deny.
Board Member Nestorowicz	No, some kind of compromise could be made.
Secretary Jerzy	Yes, to deny. Also for the fact that it's self-imposed and believes its economic.
Chairman Sophiaea	No, some type of compromise could be reached.

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

Audience member asked if he was able to speak at all as a homeowner.

Chairman Sophiaea replied no. The item is over.

- |                            |                                      |
|----------------------------|--------------------------------------|
| <b>13. PUBLIC HEARING:</b> | <b>APPLICANT: Benjamin Moe -USE-</b> |
| REPRESENTATIVE:            | Scott Moe                            |
| COMMON DESCRIPTION:        | 5966 Engleman                        |
| LEGAL DESCRIPTION:         | 13-21-351-003                        |
| ZONE:                      | M-2                                  |

**VARIANCES REQUESTED: Permission to ~~USE~~**

Retain single family residential use in a M-2 industrial zoning district.

**ORDINANCES and REQUIREMENTS:**

**Section 17.02 (e) – Industrial Standards:** Dwellings are not a permitted use in a M-2 zoning district.

Scott Moe appeared before the board representing the property Benjamin Moe at 5966 Engleman.

Chairman Sophia thanked him and asked him to explain the request.

Scott Moe is requesting to retain a residential use in an M-2 zoning district. The property was purchased in 2021. Regardless of the due diligence that was performed, both by himself calling the Building Department and asking about building permits and how they were issued and whether there were outstanding code violations and things like that. As well as the review by the title company, real estate agents, both for the buyer and the seller. At no point was it discovered that it was in an M-2 zoning district or that there was a violation for that matter. They're seeking the variation to continue to retain the use of a single family and related structures, the garage, the fence and the like. They're doing so because they only became aware of the issue about six (6) months ago through an attempt to purchase an adjacent vacant city lot to the property. Through that process they discovered it was in an M-2 zoning district and they were told in order to proceed with the process they would have to have the land surveyed, accommodations split surveyed performed, and so forth. They found that to be economically difficult, not sustainable for the property owner. They moved away from that. It was just cost prohibitive. Subsequently, a desire to have a bigger yard, bigger home. An attempt to sell the property occurred and there was actually two (2) sales that fell through because of the non-conforming condition of the property. After discussing, after asking questions, the zoning inspector, did they only then realize that they have a real problem. They had a non-conforming condition that was not marketable at that point. In fact further, if it were to become damaged because of a tornado or whatever, beyond a certain degree, a certain extent, fifty (50) percent or greater. They may not even be able to rebuild it to it's existing condition, which concerns them. So, that in there and lies the reason they're here today seeking the variance for the continued use of that property as a residential property. Now, he looks at permits and they're all issued in August of 2017 that it was zoned R-C-1. It was zoned that way for the house that was built, it was zoned on the permit it was indicated R-C-1. The house, the shed, the fence, and so forth. Then looking at the code, trying to figure what their options could be or what their best steps forward should be. He sees the lot in and of itself, sixty (60) by 180 fits nicely, or meets the requirements of an R-C-1 from a size perspective, but it falls far short of meeting the size requirements of an M-2 size lot. It's a 10,800 square feet. The minimum for M-2 is 20,000 square feet. It doesn't even meet the minimum requirements for an M-2 zoned lot. So, it couldn't even be built in an M-2 or for an M-2 purpose. Lastly, he did review the city's master plan. Which was developed in 2021 as it relates to future land uses in the city. It just so happens that this neighborhood where the property is located has an intended traditional residential use moving forward into the future. So, with that he would appreciate the boards consideration and give him the variance for the continued residential use.

Chairman Sophia 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. He turned it over to the board for discussion. He thanked him for the detailed presentation. He gives him credit for finding those building permits from years ago. Personally, as he mentioned earlier, he's always in favor of anytime they can take a zoning designation and make it less intensive. This is a prime example of that. He has no problems with this request to keep it residential use.

Board Member Watts has a couple questions just to get clear in his mind here about what's going on. The house was built in 1997 it shows. It shows R-1-C. He bought the house what year?

Scott Moe replied 2021.

Board Member Watts asked that there was no problem when he bought the house.

Scott More replied no problem, no sir.

Board Member Watts asked now they want to acquire the property next door and find out they're sitting on an M-2 zone.

Scott Moe replied that's how they became aware of it. Correct.

Board Member Watts said yikes. He thinks he might have talked to one of them when he was on council about the property.

Scott Moe said that was him.

Board Member Watts said interesting. Personally, it's a nice house and he doesn't see a reason why this shouldn't happen. He actually has a question, again, Mr. Watripont and the city attorney. His question would be this. Obviously, he doesn't have a problem with the variance. Wouldn't the proper procedure to be rezone this piece of property to what it should really be.

Steve Watripont replied that is one of the options. He believes there's M-2 adjacent to it as well. Planning doesn't necessarily spot rezone. He believes this was the option they went for even though Planning Department might be in favor of that.

Board Member Watts asked if there's residential next to it.

Scott Moe said it's odd. It's an L shaped lot that's owned by the city. The portion that is to the south of 5966 is actually zoned residential. However, the portion that is to the west of 5966, so this L shape lot. Is actually zoned M-2.

Board Member Watts asked what's on that property.

Scott Moe replied they're both vacant.

Board Member Watts said that was his question. He doesn't have a problem with the variance.

The city allowed the house to be built, but he guesses he's wondering how the Building Department had it all down as R-1-C and all off a sudden this is a problem for these fine people here with a nice home.

Secretary Jerzy said it's probably the same guy that told them they could pave to the right-of-way, too.

(Laughter)

Chairman Sophiea said they've been getting the run around. He wants to see them get their issue resolved tonight.

Steve Watripont thinks what happened back in 1997, the city wasn't up to date with computers and everything. They had to go back to the book and everything else. Looking at the plan at that time, it probably wasn't well defined. It probably was just missed at the Building Division at that point in time. It was one person saw it and then looked at the previous permits so it just carried on is what they're recollecting at this time.

Board Member Watts said makes sense.

Board Member Nestorowicz is totally in favor of approving this request. He finds it interesting the fact that city owned little piece of property next to him. It should almost be zoned R-1-C to allow anyone to purchase it. You can tell it was probably three (3) residential houses there at some time torn down when Mound Road got expanded. At the time 696 was getting built. He's all in favor of this request.

Board Member Cliff said his concern with this variance as opposed of going through the correct process, which would be to rezone that piece of property, stems from a couple of points. The most important one in his mind being a tax liability on the property. How is that being calculated? He thinks it would have to be rezoned in order to protect the property owner from anything wonky happening further on down the road. He just doesn't feel comfortable with making a variance saying they can use an M-1 piece of property for R-2 purposes. Or the city has to make the request or make an administrative change through whatever process that may be talking about there must have been an error in process someplace. There's only a couple occasions where they're going to find zoning being changed. Either somebody applied for it, it was approved, it was voted on and it was done or someone made a clerical error. Either way, he is absolutely not comfortable with granting a variance to retain an R-1-C use in an M-1 zone. He thinks that spells problems later on down the road. He would be more comfortable, and he thinks it's in their best interest personally, to go through the process properly. Whatever that process may be. He's intrigued by their presentation and how it happened and going through the back up he can't pinpoint when that happened. There's nothing to show where a switch was flipped to make it from one to the other. This looks like a clerical error of some kind or an input error or data error. Mr. Watripont had something?

Steve Watripont explained the address to the concern about how it's being taxed. He does not know for sure on this property, and it's an assessing thing.

Board Member Cliff said it sure is and there's a lot of people interested in it.

Steve Watripont explained in the past what has happened it is taxed as residential. So, it would be allowed the PRE, primary residential exemption.

Board Member Clift says until somebody later comes along and sees there's an error. He's just saying.

Steve Watripont explained assessing goes by the use, not the zoning of it. For the most part. He can't say for sure on each one, but when something is reviewed or anything he'll take that into consideration.

Board Member Clift said they've seen things change that had negative effects on property all the time.

Steve Watripont understands that.

Board Member Clift is not comfortable voting for this to grant a variance use on a piece of property that's improperly... This piece of property is blatantly improperly zoned and he feels that it should go through the proper channels for rezoning or administrative correction. Whichever is feasible.

Chairman Sophiea said by granting this they're not stopping him or preventing him from another remedy seeking the Planning Department at his time and leisure, if he desires to do so.

Board Member Clift said understood. He was just wanting to point out something maybe someone didn't think about. That's all.

Scott Moe appreciates that, he does. He believes by having the variance he immediately receive some degree of protection in the unlikely event that a damage occurs to the home where he could then... By virtue of having insurance remedy that damage back to its existing and current use.

Board Member Clift will pose him a question to ask him if he's going to pursue changing the zoning for that piece of property as time goes on. He understands his urgency for the immediate protections that he's seeking. He can get behind that.

Scott Moe replied his answer to that question is he believes the city is already going down that path because if they look at the master plan that was developed in 2021. It actually designates that entire neighborhood as a traditional residential use. So, he doesn't know that it's even necessary on his behalf because the city has already recognized the fact that this M-2 zoned area is all residential with the exception one commercial building that's across the street. They make handrails.

Board Member Clift said in their sense of urgency for the protections they're seeking by virtue of the variance, he thinks he can change his position and can get behind that part of it. He just implores him to maybe go about this the proper way.

Scott Moe appreciates that.

Board Member Clift yields the floor.

Board Member Watts is going to further his question a little more to Mr. Watripont and maybe to the petitioner. Did the city suggest that he do the variance?

Scott Moe replied yes they did.

Board Member Watts asked if anybody talked to him about the rezoning.

Scott Moe replied no they did not.

Board Member Watts said to Mr. Watirpont obviously they can do the variance to protect him like he wants to, but there's nothing that says he can't go back and do the rezoning. Correct?

Steve Watripont replied that is correct.

Board Member Watts said they need to look at the master plan. So, that could solve it, too. Alright. He just wants to be sure they do the right thing.

Scott Moe appreciates that as well. Again, he's not a zoning professional by any stretch of the imagination, but he has pulled the plan and doesn't know if that was included in their packets or not. He had it pulled right off the city website, the City of Warren's Master Plan 2021, and the neighborhood where this house resides is color coded for a traditional residential use. So, he's assuming based on that, it was the thought of those folks that moving forward in their future land use that they intended for that area to be just that for residential use.

Board Member Watts just wanted to make sure they get him on the right path.

Scott Moe appreciates that.

Chairman Sophia asked if they can get a motion on the table.

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

**Motion:**

Secretary Jerzy made a motion to grant the petitioner permission to retain single family residential use in a M-2 industrial zoning district.

Reasons being: Unique factors of the size and shape of the lot; Not a detriment to the area.

Board Member Nestorowicz supported the motion.

Chairman Sophia said they have a motion by Secretary Jerzy, supported by Mr. Nestorowicz 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 Nestorowicz	Yes, for the reasons stated in the motion.
Board Member Assessor	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 Watts	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.

Secretary Jerzy thanked him for the unique item. It’s a one off hopefully. He wished him luck.

- |                            |                               |
|----------------------------|-------------------------------|
| <b>14. PUBLIC HEARING:</b> | <b>APPLICANT: Joe Zerilli</b> |
| REPRESENTATIVE:            | Same as above.                |
| COMMON DESCRIPTION:        | 26615 Ryan                    |
| LEGAL DESCRIPTION:         | 13-19-228-036                 |
| ZONE:                      | R-1-C                         |

**VARIANCES REQUESTED: Permission to**

- 1) Remove the condition of variance granted 10/29/2003 that all other wall signage is removed.
  - 2) Retain a 9’ x 22.6’ (203 square ft.) mural painted on the south elevation.
  - 3) Retain a 53” x 53” (19.51 square ft.) wall sign on the north elevation.
- Total wall signage if granted would be 222.51 square ft.

**ORDINANCES and REQUIREMENTS:**

**Section 4A.31 – Signs Permitted In Residential Zones (R-1-A, R-1-B, R-1-C, R-2, R-3, R-3-A, R-4, R-5):** The following signs are allowed in residential zones: d) Permitted non-residential uses. One (1) freestanding and one (1) wall sign not to exceed thirty-two (32) square feet in sign area for each sign for permitted non-residential uses including churches, synagogues, schools, libraries and parks.

**Section 4A.11 – Specific Sign Definitions #24:** Mural. A picture painted directly on a wall and shall be considered a painted wall sign for the purpose of this ordinance.

Joe Zerilli, 26615 Ryan, appeared before the board.

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

Joe Zerilli stated he simply did not know he needed a permit to paint the building. All he was trying to do was make it look good. It was an eyesore, nothing but complaints. If anybody has been here a long time for the past seventeen (17) years, that was the biggest eyesore on Ryan Road. He had a mural painted with making it look a lot nicer. Ukrainian people were happy. Maybe get a little more customers. The other sign was literally a gift from seventeen (17) or sixteen (16) years ago from his nephew. It’s in a frame. He had no idea that this called for it. He really doesn’t have much to say besides he had no idea he needed a permit to paint a mural. The company that did it never mentioned it to him. He feels it only helps that area. Like he said, it was a complete eyesore.

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. He does see the picture in the packet. It's a nice mural. It's definitely nicer than it was. There is no question that mural is good for his business, right?

Joe Zerilli replied yes it is. Definitely. Anybody coming from that side of the building would not step foot in his bar. He wouldn't even step foot in his bar.

Chairman Sophiea doesn't have any problems with it. He thinks it's a reasonable size.

Secretary Jerzy had a quick question. Does he still have the pole sign.

Joe Zerilli does have a pole sign, yes.

Chairman Sophiea said it's in the...

Secretary Jerzy personally doesn't have a problem with it. The guy who put up the mural should have known better to give him the information that he needed to do something. They're only allowed forty (40) square feet of signage in the city, which isn't a lot. It's something they're trying to address and get changed as well.

Chairman Sophiea stated the mural people always play dumb. Trust him, they know.

Secretary Jerzy said they do know. It is very tasteful. The one nice thing about murals is they have no light pollution. So, he's actually been in favor of more murals and signage like this throughout the city himself, personally. No other board members would probably disagree with him and think he's nuts, but he thinks it actually adds to the business if it's tastefully done. They've granted a couple of these. He thinks the guy at Thirteen and Mound with the mural and things of that nature. Obviously before he put it up. But he thinks if its tastefully done and it's not excessive. It doesn't take up the whole side of the building. If some of that is going to be gawdy and take up a majority of the building he can see it. He thinks its tastefully done. He would hate to see him pull down a sign from a gift from a family member, too. That was tastefully done, too. He doesn't have a problem with this. It seems like this is another thing the city missed because according to this all of this should have been removed in 2005. Is that kind of what he's reading? So they've had twenty (20) years to come and figure their life out, which they haven't. He's inclined to grant this. He'll yield the floor.

Board Member Nestorowicz said he is in favor of this request. His question is... He asked Steve to come up to the podium for a second. Just to protect the board in the future. You know how they say there's design elements versus what is the signage? On a mural like this, the part that is truly the signage is the part where it says Kelly Sports. What he's trying to get at is to limit what is considered the signage portion as opposed to the design element. So, therefore, if a future owner doesn't go and paint that entire thing saying Kelly's Bar. You know what he means?

Steve Watirpont explained in this case it shows things that are allowed there. So, that would be a form of advertising so it would not be design element. He has darts there, he has pool. He's sure they watch football Saturday's and Sunday's there. He thinks they sell beer there. He thinks it would all be signage based on the definition of a sign. Other than the design element.

Chairman Sophiea said that would make sense because the place they previously granted on Thirteen Mile was just an abstract thing.

Steve Watripont said most of the gas stations consider design element when it's the stripes or little waves or something like that. It has no intentional advertising element to it. Does that clear up how it's looked at from zoning?

Board Member Nestorowicz said yeah it does.

Steve Watripont still sees that question mark up there.

(Laughter)

Board Member Nestorowicz said no it's fine.

Secretary Jerzy said if nobody else has anything else to add he'd like to make a motion.

**Motion:**

Secretary Jerzy made a motion to grant the petitioner permission to:

- 1) Remove the condition of variance granted 10/29/2003 that all other wall signage is removed.
  - 2) Retain a 9' x 22.6' (203 square ft.) mural painted on the south elevation.
  - 3) Retain a 53" x 53" (19.51 square ft.) wall sign on the north elevation.
- Total wall signage if granted would be 222.51 square ft.

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

Board Member Assessor supported the motion.

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

**Roll Call:**

A roll call was taken on the motion. The motion carried (7 – 1).

Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member Assessor	Yes, for the reasons stated in the motion.
Board Member Clift	Unfortunately, no. That's 7 times what the ordinance for that area allows.
Board Member Green	Yes, for the reasons stated in the motion.
Board Member Watts	Yes, for the reasons stated in the motion.
Board Member Lindsey	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.

15. PUBLIC HEARING: **APPLICANT: Marogi Investments LLC – Mazin Marogi**  
REPRESENTATIVE: Gasper Salvaggio  
COMMON DESCRIPTION: 20809 and 20787 Mound  
LEGAL DESCRIPTION: 13-32-483-038  
ZONE: M-2

**VARIANCES REQUESTED: Permission to**

- 1) Operate a major auto repair facility that is 184 feet from a residential zoning district.
- 2) Retain the roll up garage doors that are facing residential zoning district and are buffered by the parking lot and masonry wall.

**ORDINANCES and REQUIREMENTS:**

**Section 14.01 (j) – Uses Permitted:** Automobile repair shops, including body and fender business, provided that such uses are conducted entirely within an enclosed building, and provided further that such establishments are located at least two hundred (200) feet from any residential district or are operated on the premises of and in conjunction with an automobile dealership in a building with appropriate filtering system to prevent emission of paint odors and with a masonry wall facing any such residential district, which shall have a sound retarding insulation, shall have no doors other than any door required by law as a fire exit, and shall no windows but may have glass block areas to transmit light.

Gasper Salvaggio, 53600 Romeo Plank, appeared before the board introducing the property owner Mazin Margoi. The building has been there probably fifty (50) years. They're not trying to expand the building. They have 184 feet, they need 200. That's the reason for the variance. It's a four (4) unit building that he rents out to auto repair, auto body. He has a tenant that wants to move into the last space and they're trying to get permission to do that.

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

No response.

Chairman Sophiea closed the public portion of the meeting. He'll have Secretary Jerzy summarize the Planning impact statement.

Secretary Jerzy thanked him. Per Mr. Wuerth in the Planning Department.

"After review of the request no issues were found to impact the abutting, local or general public. The petitioner received Planning Commission approval for a minor amendment to their site plan for a parking lot addition on March 10, 2025."

Chairman Sophiea thanked him. At this time, he turned it over to the board for discussion. He'd like to draw their attention to the previous variances granted on this property. There has been some pretty intense uses over the years. One in particular is a used car lot. There's going one

going back to 2014, that's also a used car lot. He doesn't have a problem with the first variance request. The ordinance is 200 feet, they're 184. It's close enough. He has a slight concern with the second item with the roll up garage doors facing the residential zone, but none of the neighbors are here. They haven't received any other correspondence about it. If no one else has a problem with it.

Secretary Jerzy has a couple questions real quick to the petitioner. He asked if he owned the whole strip. Right? He asked if somebody whacked the building. He went by it the other day.

Gasper Salvaggio replied Warren Police.

Secretary Jerzy said he saw the front end of it is pretty damaged up. He went by the property, they have the nice alley that separates the parking lot. They also have the brick wall, which is actually surprisingly in good shape considering how long it's probably been there. He said they have a pretty good buffer between where their business is and where the residence starts. Between that, they have the alley, the lot for the cars, and then they still have the four (4) foot or five (5) foot high wall. His concern would be what Chairman Sophiea pointed out, and he's glad he did because he saw it too, to operate a used car lot. He asked if they have any intention of selling any cars off that property whatsoever and would they be inclined to having a stipulation if they grant the variance to not sell cars on that property. Would they be open to that?

Gasper Salvaggio said they're not selling any cars there.

Secretary Jerzy asked if they would be open to a stipulation saying that nothing will be sold there.

Chairman Sophiea said rescind the previous.

Secretary Jerzy said they could rescind the previous variance for that, too. That's his only concern. He doesn't think it's... That thing has been there forever. It's always been some kind of auto repair place as far as he can remember. It's tucked away in an area where he can understand it. Even though they have the residence right across, but again it's very far from where they're actually doing business. They've had shops there probably a lot closer to residential areas than what he is actually with the continued between alley and the buffer and the wall. Pretty significant depth from business to residence. Again, no residence are here to complain about it or talk up about it. So, he's kind of in favor of this request. Unless he's not seeing something but he'll yield the floor.

Chairman Sophiea asked if Mr. Watripont had a comment.

Steve Watripont explained part of this property was granted a variance in 2019. It had the roll up wall already, roll up door already. They've had no issues or anything on that, that he's aware of. He looked through the file also and didn't see anything. This is to expand it to his whole property and the previous variance did not include the roll up doors. It was missed at that time, so they're doing clean up work on that as well.

Board Member Watts said a little history on this. He grew up over there. According to building records this was built in 1946. As he recalls all the way back to early 1960s it's always been

some kind of repair facility. He noticed it said truck specialties and that whole strip from Eight Mile probably till almost Nine Mile on that side of the street was all truck body, truck mounting, dump trunk mounts, all that kind of stuff. It's always been some kind of facility to deal with motor vehicles. Fifteen (15) feet difference, it hasn't made a difference that he never knew of. He doesn't see why it would make a difference now. Again, he agrees with no used cars. The only other thing that he would probably put on it that they have a problem with in town, because it's going to be an auto repair facility, is that he would hope they're not buying cars from auction houses and stock piling cars on the property. Which creates another issue. Otherwise, he doesn't have a problem with this.

Steve Watripont believes as part of their pavement of the parking lot, there is a portion that was approved for outdoor storage that qualifies within the ordinance.

Board Member Watts said as long as it falls within it. He's good with that. He yields.

Board Member Green said he's ready to make a motion. He's going to bail our Mr. Jerzy.

**Motion:**

Board Member Green made a motion to approve the petitioner's request to:

- 1) Operate a major auto repair facility that is 184 feet from a residential zoning district.
- 2) Retain the roll up garage doors that are facing residential zoning district and are buffered by the parking lot and masonry wall.

Reasons being: Not a detriment to the area; Don't create an unreasonable impact or burden.

Secretary Jerzy made an amendment to that motion to also rescind the variance granted on 5/13/15 to operate a used car lot no less than 60 feet of the R-1-C zone on Albany as per the plan, and two, operate a used car lot no less than 210 feet from the property line of the R-1-P zone. Also rescind the variance granted on 2/11/15 to operate a used car lot no less than 60 feet from R-1-C zone on Albany. He thinks those are two of the same.

Steve Watripont said the 2/11 was removed from the agenda that night. That was never approved.

Secretary Jerzy said just the two they need. Right? 1 and 2 on the 5/13/15.

Steve Watripont said correct.

Board Member Green is good with those changes.

Board Member Clift supported the motion.

Chairman Sophiea said they have a motion by Mr. Green, supported by Mr. Clift to approve the request as read with the rescinding of the previous variances mentioned.

**Roll Call:**

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

Board Member Green	Yes, for the reasons stated in the motion.
Board Member Clift	Yes, for the reasons stated in the motion and amended motion.
Board Member Nestorowicz	Yes, for the reasons stated in the motion.
Board Member Assessor	Yes, for the reasons stated in the motion.
Board Member Watts	Yes, for the reasons stated in the motion.
Board Member Lindsey	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 read.

16. PUBLIC HEARING: **APPLICANT: Eastern Michigan Industries -USE-**  
REPRESENTATIVE: Caren Burdi  
COMMON DESCRIPTION: 4965 Nine Mile  
LEGAL DESCRIPTION: 13-29-451-029  
ZONE: C-1

**VARIANCES REQUESTED: Permission to -USE-**

- 1) Retain 6' tall fencing in the front setback 5' 7" from the front property line.
- 2) Allow 4,450 square ft. of open storage of steel plates stacked no higher than 36" to a non-conforming use in a C-1 zoning district. **USE**

**ORDINANCES and REQUIREMENTS:**

**Section 13.04 – Front Yards For Commercial Buildings:** A fifteen (15) foot front yard setback shall be provided by all commercial buildings in a C-1 district, measuring from the proposed right-of-way line established by the City's Master Thoroughfare Plan.

**Section 13.01 – Uses Permitted:** Open storage is not a permitted use in a C-1 zoning district.

**Section 4.17 (a) – Non-Conforming Uses:** Non-conforming Use-Continuance. Any lawful non-conforming use consisting of a building or land usage existing at the time of the effective date of this ordinance may be continued, except as herein prohibited or restricted, provided that the building or use thereof shall not be structurally changed, altered or enlarged, unless such altered or enlarged building or use shall conform to the provisions of this ordinance for the district in which it is located. No non-conforming use if changed to a use permitted in the district in which it is located shall be resumed or changed back to a non-conforming use. Failure to continue to use any land, building or structure, or part thereof, which use is a non-conforming use under this ordinance, for a period of one (1) year or more shall be held to be conclusive proof of an intention to legally abandon any such non-conforming use.

Caren Burdi, appeared before the board stating she is here on behalf of the applicant Eastern Michigan Industries. It says Easter there, but it's Eastern. In any event, this building is located on Nine Mile between Mound and Ryan. This is the actual footprint of the building, this square right here. What's interesting is when she first was approached to handle this item. Taking it through Planning and then through Zoning. One of the first thing she does is look it up on the computer and it said it was a commercial district. She had been to the building, and that is not a commercial building. It has an eye beam in the middle, it had a crane in there at one point. It has these huge tall ceilings. She doesn't know how that could be a commercial building. The next thing she did was requested the records, the history on this building. This building, the farthest

back she could get was on June 16, 1942 an addition was put on this building. Then in June 30, 1947 an addition was put on this building. Then September 24, 1947 there was another permit for the addition and then on 6/21/1952, all of these are through the Charter Township of Warren, an addition was put on the building. She can share these with the board if they would like to see them. She thinks it documents that this building was built before the 1040s even. As she went through Planning, Mr. Wuerth did indicate that he also did his own research and found that to be the case. This building has always been used for industrial purposes and it was built when Warren was a Charter Township. He couldn't find anything older than what she found in 1942. In any event, Eastern Michigan Industries use torch cutting. They cut parts out of steel plates, if you will. Her client only bought this property probably about a year and a half ago. This property was in distress, seriously in distress. As she indicated, this is the building itself and this is the yard. Currently, there is a five (5) foot something inch wall that runs along the border of the yard. In the front is an existing fence. Their improvement to this property is when her client purchased this property there was this lean-to kind of metal shed that was falling down. He has taken that down and now have designated that area for metal plates, steel metal plats only. Again, not to be hire than thirty-six (36) inches. They need a variance because they are a legal non-conforming use as an industrial use. Even though they're zoned with a C zone. So, they're asking permission to have this area where he took down the lean-to, cleaned it all up as storage for the metal plates. They also have an oxygen tank here that has been approved by the Fire Department, inspected by the Fire Department and was permitted through the Building Department. This oxygen tank is what fuels the torches for the cutting purposes. Then they have the employee parking. They're requesting to keep this fence even with the front of the building. The other buildings in this area are also industrial buildings. There is a small patch of them here and across the street. All of them have their fences even with the front of their buildings. If they were to move this fence back to the fifteen (15) feet, they would lose half their parking and their oxygen tank would not be secured and they really need it secured. In addition to that, it's in this location for safety purposes. They want it as far away from residential as possible. So, they're asking... and she would like to go over some of the improvements that are happening. They're going to increase this wall to six (6) feet. Recently her client had masonry wall people come out and the idea was that was suggested to just put a cap on it. That will make it the six (6) feet and they'll be in compliance. They found some problems with the wall. There's some erosion under certain parts of it, etc. He's actually going to take the wall down. He's going to do fifteen (15) feet at a time, take the wall down, secure the underlying soil or base, and put up a wall that's in compliance with what the rules are now. He's going to be taking care of that. With regard to this fence, where its going to be chain link is going to have a sliding gate and it's going to be privacy. So, that the people won't have to see the parking and things along those lines. The best privacy is going to be these arborvitaes they're planning. The idea is to make it look good, add some green. They're also adding some trees out in the green area in front of the building. Those are some of the improvements that are going to be taking place. When she looked at what is provided to the board members. She got a little bit concerned because there are a lot of violations that aren't the current owner. There are two (2) violations that are her current owner. One violation was, and in hindsight he feels like a fool. When he took down that metal lean-to building that was falling, he did it early in the morning. He shouldn't have done that early in the morning. He got a phone call from the city. It even says in the record that he apologized. He actually went to the neighbor and apologized and said he just wasn't thinking pulling that down then. Since then he has had meetings with the neighbors. He often encourages her clients to have meetings with the neighbors. A lot of things can be addressed and solved and one of the things she does now is, even though they're allowed to function at 7:00 a.m. they don't do anything outside till

8:00 a.m. So, she doesn't know if they went by, they saw there is a sign on the gate that says no deliveries before 8:00 a.m. Basically, they don't want to have metal plates coming off trucks into the yard disturbing people. The guys don't run the high lo outside before 8:00 a.m. She considers that pretty much solved. As she stated, her client introduced himself to the neighbors. He told them if the workers don't listen and something happens to let him know. He'll buckle it up. The other one was, she didn't bring it tonight and she should've brought it, she forgot it. Her client had gone when he bought the building and has an application for C of C and he had actually mailed it in and was mailed back to him with his check and they said get zoning compliance and then file. Well, next thing he gets a C of C violation. He went right away and filed everything and everything has passed. Everything is up to date, everything is in compliance. This is the last step. This is the last step for this gentleman for being in compliance and finishing his site plan at that site. She would ask for their support. She believes that, if you will, he's doing his best to comply with the city requirements. Some of this she kind of sees as housekeeping because they've been a non-conforming use for so long, but it's best when it comes to outdoor storage to have to go through the process so that just anything isn't stored, it's limited.

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

No response.

Chairman Sophiea closed the public portion of the meeting. He'll let Mr. Jerzy summarize the Planning impact statement.

Secretary Jerzy thanked him. Basically Mr. Wuerth found no issues with the property and no problems to abutting, adjacent areas.

Chairman Sophiea thanked him and turned it over to the board for discussion.

Board Member Clift said good evening, Ms. Burdi. He has to tell her, he lives in the area. That place has been a dump since the mid 1990s when he moved in that area. The transformation that building has undergone in the very recent past is astounding. He compliment the owner.

Caren Burdi will let him know.

Board Member Clift said that place forever, for as long as he can remember, hodge podge, weird stuff going on, unsecured. It's really taking on a new life there. He's encouraged by the project, the way she presented it. He has nothing but hats off. He's one hundred percent behind everything they are talking about there. All the way around. He thinks it's a fantastic, even though it's not exactly the use it's designed for the area, he thinks it's a fantastic use that he's doing. It compliments the area well. His hours of operation don't impede with anybody. He's one hundred percent behind this variances on this project. He just had to speak his peace. Thank you very much. He yields the floor sir.

Secretary Jerzy would kind of like to say the same thing as Mr. Clift just said. They've been before the board and sometimes they have agreements and disagreements, but so goes life. This is an amazing project. He's very well thought through. To hear he's going to tear down a wall to put up a whole new wall just speaks the definition of the owner right there to invest that

kind of capital. The cleanup, he agrees too, the place has been a dump for decades. It's an amazing turn around and he wishes nothing but success with his endeavors. Very nicely done and very well thought out plan all the way through. Nicely done. Thank you, Ms. Burdi.

Board Member Nestorowicz hates to be duplicating past comments but he's familiar with that building and have driven by that section of Nine Mile and such. It is looking so much better than it used to in his past knowledge. He thinks the plan and having the privacy fence along with the front of the building makes total sense. He likes the fact that there is outdoor storage, it's very clear as to its only steel plates and no higher than thirty-six (36) inches. It's a detailed what is allowed there. He thinks the plan is good and he would be one hundred percent behind it.

Board Member Watts said if nobody has anything, he's prepared to make a motion.

Chairman Sophia said please do.

**Motion:**

Board Member Watts made a motion to:

- 1) Retain 6' tall fencing in the front setback 5' 7" from the front property line.
- 2) Allow 4,450 square ft. of open storage of steel plates stacked no higher than 36" to a non-conforming use in a C-1 zoning district. **USE**

Reasons being: Not a detriment to the area; improving the area.

Board Member Nestorowicz supported the motion.

Chairman Sophia said they have a motion by Mr. Watts, supported by Mr. Nestorowicz to approve the request as read.

**Roll Call:**

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

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

**17. PUBLIC HEARING:**

**USE-**

REPRESENTATIVE:

COMMON DESCRIPTION:

**APPLICANT: IDrive Auto Parts, Inc. – Kalven Hermiz -**

Caren Burdi

21311 Groesbeck

LEGAL DESCRIPTION: 13-35-331-001  
ZONE: M-2

**VARIANCES REQUESTED: Permission to ~~USE~~**

- 1) Retain 1,149.64 feet of 8' high corrugated sheet metal fencing. (Total of 2,840.64' of 8' high fencing, of which 1,655' was previously granted a variance on 6/7/2017.)
- 2) Retain existing non-conforming auto wrecking yard and expand the outdoor storage area by 59,485.92 square ft., identified as parcel 1 on the site plan. USE
- 3) Waive 5 required parking spaces.
- 4) Retain the parking within the Groesbeck front setback.
- 5) Construct a building addition to within 29.07' of the east property line along Groesbeck and to within 7.28' of the north property line along Prospect.

**ORDINANCES and REQUIREMENTS:**

**Section 4D.38 – Height:** Obscuring walls and fences in non-residential zones shall not exceed six (6) feet in height.

**Section 17.02 (T) – Industrial Standards:** Open storage for junk, auto wrecking yards and other waste products is not a permitted use in M-2 zoning districts.

**Section 4.32 (H) – Off-Street Parking Requirements:** The amount of required off-street parking space for new uses or buildings, additions thereto and additions to existing building as specified above shall be determined in accordance with the following tables, and the space, so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use. (23) One (1) parking space for each one thousand two hundred (1,200) square feet of gross floor area.

**Section 17.02 (A) – Industrial Standards:** Front yard setback in M-2 zoning districts is 25'.

**Section 17.02 (B) – Industrial Standards:** Side yard setback in M-2 zoning districts is 20'.

**Section 4.17 (A) – Non-Conforming Uses:** Non-conforming Use-Continuance. Any lawful non-conforming use consisting of a building or land usage existing at the time of the effective date of this ordinance may be continued, except as herein prohibited or restricted, provided that the building or use thereof shall not be structurally changed, altered or enlarged, unless such altered or enlarged building or use shall conform to the provisions of this ordinance for the district in which it is located. No non-conforming use if changed to a use permitted in the district in which it is located shall be resumed or changed back to a non-conforming use. Failure to continue to use any land, building or structure, or part thereof, which use is a non-conforming use under this ordinance, for a period of one (1) year or more shall be held to be conclusive proof of an intention to legally abandon any such non-conforming use.

Chairman Sophia said he heard something earlier that they wanted to postpone.

Caren Burdi stated she is there on behalf of IDrive Auto Parts. She took the plan through Planning and followed with they had. There was some discussions that Building Department might not be fully in agreement with that. She's going to work on resolving that with regard to the parking. It's the only thing that is the issue. She needs to get from her own architect some dimensions and make an analysis. Then put forward exactly where they're going to go with that item.

Secretary Jerzy asked if they just postpone it to a date and time to be determine later.

Caren Burdi replied yes. That would be best. That way...

Secretary Jerzy said it gives her some time and not boxing into a timeline.

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

Steve Watripont said during the review of the variance request, it was noted that basically the project that she's working is only a quarter of this whole project. It was noticed that other things had changed from the previous site plan and it was brought back and has to go through the property channels. That's the reasoning. It probably should be postponed indefinitely. That way it gives Planning, Ms. Burdi, her client and zoning a chance to look at it further. Then repost at that point in time.

Board Member Assessor would like to make a motion.

**Motion:**

Board Member Assessor made the motion to postpone to a date to be determined, Supported by Secretary Jerzy.

**Voice Vote:**

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

Secretary Jerzy thanked Ms. Burdi for waiting through the long night.

## **18. NEW BUSINESS**

Board Member Cliff told everybody to pull out their pencils. He noticed that they published some information on the website and he's going to read it off so they're all on the same page. It has to do with their appointments.

Terms to expire:

Chairman Sophiea, September 2025

Mr. Nestorowicz, September 2026

Mr. Jerzy, September of 2027

Charles Perry, September of 2026

Mr. Cliff, September 2026

Mr. Green, September 2027

Mr. Lindsey, September 2026

Mr. Watts, September 2026

Mr. Assessor, September 2027

A lot of chatter in the past about not knowing when their stuff was ending and getting their applications in and sitting up here on the board on expired terms, he just thought he would bring that up and let everybody know it's on their website under the Zoning Board of Appeals informational. He just noticed it three (3) days ago. It wasn't there when he looked a couple weeks ago.

Board Member Lindsey said he noticed it, too.

Board Member Clift thought that was kind of nice that they're letting them know. That's all he has to contribute to tonight. Thank you.

Chairman Sophiea thanked him.

Board Member Lindsey had a question about that, because he saw it, too, Mr. Clift. So, they're supposed to be three (3) year terms, right? He's only been on the board for maybe 16 or 17 months.

Board Member Clift doesn't think they're three (3) year.

Steve Watripont said if he may, and Nicole can correct him. They are three (3) year terms, but he may have replaced someone's term.

(Nicole Jones – Inaudible)

Steve Watripont said that's why that happens.

Board Member Lindsey thanked him.

Chairman Sophiea said there's just a one page application for re-appointment.

Secretary Jerzy said he's not getting out of this.

Board Member Lindsey said he doesn't want to get out of this. That's why he's asking why he's getting a shorter term. He understands filling in so they can just reapply.

Secretary Jerzy said he's in this buddy.

(Laughter)

Board Member Lindsey said got it.

Chairman Sophiea asked for any other new business.

No response.

Chairman Sophiea asked for a motion to adjourn.

## 19. 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 10:18 p.m.

Paul Jerzy  
Secretary of the Board

APPROVED