

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
AUGUST 27, 2025

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, August 27, 2025 at 7:30 p.m. at the Warren Community Center Auditorium, 5460 Arden Avenue, Warren, Michigan 48092.

Members of the Board present:

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

Members of the Board absent:

David Sophiea, Chairman

Also present:

Jennifer Pierce, City Attorney
Steve Watripont, Zoning Inspector
Mary Kamp, Council Office

1. CALL TO ORDER

Chairman Nestorowicz 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 Sophiea was absent.

Motion:

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

Voice Vote:

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

4. ADOPTION OF THE AGENDA

Motion:

Secretary Jerzy made a motion to adopt the agenda 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, July 23, 2025 and August 13, 2025.

Motion:

Secretary Jerzy made a motion to approve July 9, 2025 minutes; Supported by Board Member Assessor.

Voice Vote:

A voice vote was taken. The motion carried (7 – 0). (Board Member Green abstained.)

Motion:

Board Member Clift made a motion to table the July 23, 2025 and August 13, 2025 minutes; Supported by Board Member Lindsey.

Voice Vote:

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

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| 6. PUBLIC HEARING: | APPLICANT: Caron Miracle |
| REPRESENTATIVE: | Michael Miracle |
| COMMON DESCRIPTION: | 11141 Thirteen Mile |
| LEGAL DESCRIPTION: | 13-03-455-020 |
| ZONE: | R-1-C |

VARIANCES REQUESTED: Permission to

Retain a 24' 6" x 73' gravel/stone area for parking in the front yard.

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 a 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.

Section 4.32 (k) – Off-Street Parking Requirements: All off-street parking areas shall be provided with adequate ingress and egress, shall be hard surfaced with concrete or plant-mixed bituminous material (base may be stabilized gravel or equivalent), shall be maintained in a usable dustproof condition, shall be graded and drained to dispose of all surface water, provide protective bumper curbs as per Section 4.32 (i) and 16.07, and shall otherwise comply with Section 2.46 and 16.05 of this ordinance.

Chairman Nestorowicz asked if the petitioner is present. For all petitioner when they approach the podium, start with name and address for the record and then go to the reasons for the request.

Michael Miracle, 5820 Alma Road, appeared before the board saying the house he was raised in, 11141 Thirteen Mile Road. He needs a variance for the parking area.

Chairman Nestorowicz thanked him for that explanation. This is a public hearing. Is there anyone in the audience wishing to speak on this item? Please approach. Stand aside so she can speak. He asked for her name and address also.

Shelly Eagling, 31055 Shaw, appeared before the board stating right around the corner from them. They've been in the neighborhood about thirty some years. When they moved in Mr. Miracle with his landscaping took care of her. Even if you go by anytime of the year it's all landscaped, you don't even realize it's gravel there. So, she wanted to let the board know it is nice and neat.

Chairman Nestorowicz thanked her for those comments. Any other audience members wishing to comment?

No response.

Chairman Nestorowicz closed the public portion and turned it over to the board for discussion and questions.

Board Member Watts said he lived over that way a long time, go by there all the time. How long has that parking area been there like that?

Michael Miracle explained when he was one (1) years old, he moved in. There's two (2) parking areas there. So forty (40) percent gravel in 1969 and there was two (2) rotted fruit trees and an overgrown garden. It stayed a garden until 1977 and then it was gravel and grass. Then around 1983 it was all gravel. It just didn't make sense to have the grass there. Especially with his other siblings. He means, he has four (4) other brothers and sisters.

Board Members Watts understands. He thanked him.

Board Member Green asked if he is running a business out of the house.

Michael Miracle explains that he stores one (1) trailer in the backyard because all of his customers are Warren residents.

Board Member Green said he drove by there with the trailer and employees in the driveway in the morning. Are they meeting there?

Michael Miracle explained it's usually not a trailer. If they're taking off there's a trailer. If they're leaving the house, he has to leave the house with the trailer. He doesn't know what day. Saturday morning he showed up with the trailer because he had to cut one of his friends house on a Saturday. There's normally not a trailer in the front of the house.

Chairman Nestorowicz said he knows that gravel has been there for as long as he can remember, but he's not a wild fan about approving gravel to stay there. He means, he wishes, if anything, he means he doesn't know if that's a solution he would think about. Why can't that one (1) car driveway be turned into a two (2) car driveway? If he had a two(2) car driveway that would double his space in front. Go into part of that gravel space. It might not be as much parking, but it would actually, he would think the length of that driveway he could fit quite a few cars onto a

two (2) car driveway. He doesn't know if that was something he might have considered.

Michael Miracle said his mom is eighty-four (84). It's always been there since 1983, so he doesn't know... She doesn't understand what the fuss is because she was born and raised on Longview Street a quarter mile away. That's a gravel road. This area is kind of large. It wouldn't be sensible to make a two (2) driveway. It would actually make more sense to make the entire area cement. That would take most of her savings. The area behind the house, they placed seven (7) houses around their house. They didn't put a drain. So, it actually does flood there in the spring and he believes the gravel helps with the flooding.

Chairman Nestorowicz said but he knows people have mentioned his... Is he still, because it sounds like the landscaping is still run out of that house.

Michael Miracle replied he stores the one (1) trailer in the backyard. He moved the address... He means he started the business when he was thirteen (13). So, yes, it started at the house. His first one was thirteen (13) and then he had a few more when he was fourteen (14). Anyways, he's always had the business there. It's shrunk a lot. Back in the day he used to have three (3) (inaudible) now he just has the one (1) trailer and it's just being stored in the back because all of his customers are in Warren.

Chairman Nestorowicz said he just always has concern. Once they give approval for such a large lot, it stays with the property, even after it's sold. Then they have no recourse in the future against any future owners parking who knows what out there.

Secretary Jerzy said the one thing he noticed in the back up material, which kind of was odd, is there is enforcement on this property back in 2018 he believes. It looks like from 4/30/2018 at that point the city had noticed they were running a business out of the house. All the way down to 5/1 still uncorrected, 5/14 still uncorrected, then 6/1 follow up inspection by Everett Murphy. It was still uncorrected. Then poof, it was gone. Until 2024 it pops back up. How does something get missed by their zoning inspector, doesn't get followed through, and it just disappears for eight (8) years. Undenounced to anybody. Now he's very familiar with that house, too. He lives in the neighborhood. That's been a gravel lot as long as he could remember. He thinks at one point, maybe, the owner had a little garden at some point in that stretch and then they filled it back in with stone. He could be wrong. It's been that way for as long as he could remember. They have left, they did pass, they did leave a lady that was off of Frazho. She had a circle drive that was... the board told her she didn't have to pave the rest of her driveway, too, because it was more aesthetically pleasing to the lot because it was kind of an original house on the lot and street. He feels that this is the same case with this at this piece of property. If you look at it, it's completely unique to everything else. He believes looking at the rest of the backup material it claims that it was an estate, one of the first houses on that side of the neighborhood. If that was the case, they built a neighborhood around that house. To him, he thinks the biggest thing is not really... He knows they've been battling about concrete driveways in peoples front yards and stuff of that nature. The gentleman is right, it is a little lake there every time it rains. He doesn't know what kind of drainage system they have going on the property, but he has noticed it over the years right down closer to the sidewalk. It's a pool. So, he means, to pave all that they're looking at big money. It's not just a couple slabs, it's a pretty extensive piece of land to try and pave. He's not happy he's been running a business out of his house with the city knowing about it, unchecked and then it disappears off the radar. Now they're kind of back on the radar because

now they're starting to do things right in town. That to him is the biggest kind of head scratcher, but to him he's just inclined to let him keep it at this point. He knows he's running a business out of his house, there's been a lot of things go wrong with this property. He thinks the city has completely dropped the ball and now they're making him jump through all these hoops to try to retain this. When this probably should have been nipped in the butt a decade ago. With that he'll yield the floor.

Board Member Watts has more questions if he can to Mr. Watripont. He's wondering, he's been around here forever too, it's been like that as long as he can remember. How did they end up here today.

Steve Watripont explained he's not officially sure. They get most of their enforcements from complaints. Other than inspections when they're inspecting a house. Most of the house comes as complaint. They're busy, they don't go out looking for stuff. Property maintenance does go out looking for stuff, so it could have came from them as well. He's not sure where it came from.

Board Member Watts said reading in what he read, he's going to assume this was found because they had a complaint of running a business out of the house.

Steve Watripont believes that was what the complaint was, yes.

Board Member Watts doesn't know if this would be a question to him or to the city attorney, but he knows it's been like that forever and ever. He knows that a variance would go with the property, which they want to be careful of. Is there a way that they can, for a lack of better terms, grandfather this until the house was to change property owners.

Steve Watripont explained when Mr. Miracle came to the counter he talked to him. He asked him if he was running a business out of there. He thinks he was very upfront with him and he said the trailer is stored there. He doesn't live there, he lives out in Ray Township. That's all he does is store it there. He asked him if it was on hard surface there, because they can have a recreational vehicle, a trailer, on the property. He replied that he does take a lot of the equipment home, but he does leave the trailer there. He thinks the running a business is not there anymore, per se. The question they came down to in dumbing it down was the gravel parking which has been an issue and everything else. Their enforcements when they go out there for a complaint, they look at everything on the property, too. If they were out there for the complaint of a business, they're going to take everything into account and go from there.

Board Member Watts understands. The way he's looking at this by his comments, he's not technically running his business there. He just keeps the trailer on a hard surface behind the fenced in area and leaves it there everyday, which they know there is a lot of people doing that in the city. He doesn't know if he necessarily sees a problem with that, because a lot of people have utility trailers for whatever reason, or RV. So, he guesses... So, his question is still can they grandfather what's there as long as it's not a business to stay with the property until it was to change hands. That was his question.

Steve Watripont will defer to the city attorney, but he doesn't believe so because once anything gets granted there. The ordinance was in effect prior to the dates that Mr. Miracle gave, so it wouldn't be a non-conforming situation.

Board Member Watts said far enough.

Board Member Clift said good evening and that he has a couple questions. Since April of 2018 when somebody noticed the banner in his front yard about running a business from the residence. Since 2018, has ever been served with a seize and desist order from the City of Warren to stop operating a business out of that location?

Michael Miracle replied no. He was told to take down the sign.

Board Member Clift said that's fine. That's all he needed. He's trying to make a point. Back to a couple of his colleagues points. June 1, 2018 everything seems to drop off the radar until just recently again. So, he's kind of in the line of thinking with a few of his colleagues on the board who don't really necessarily, except for the longevity of the proposed variance staying with the property in perpetuity. He personally doesn't really have a problem with that. This is located not in the front yard, well he guesses it's still considered the front yard, but it's not right in front of the house. It's not in the front lawn so to say, kind of like side yard, side lawn. He knows it's been there for a long, long, long time. It bothers him that it looks like this came up as a running business out of the residence issue and now he's not even staying there, he storing one (1) trailer on a hard surface in the yard behind a fence you can't even see through. Just on the face of it, he actually doesn't have an issue with this at all. So, he's going to be in favor of voting yes for his variance if and when a motion comes about. Thank you for answering his question. On top of that, he didn't see anybody in opposition in the gallery or no letters from anybody they were saying they were in opposition of this remaining. He pointed out seven (7) houses right around the perimeter of his mothers property built and nobody in the audience, nobody in the gallery to speak against it. With that he'll yield the floor.

Board Member Green said it would appear somebody is in opposition to it because this is complaint driven. Secondly, there's five (5) existing violations. The one that bothers him the most is that he lives somewhere else but chooses to store his equipment in the City of Warren. He means, is it because they won't let him store it where he's at.

Michael Miracle explained it would be unsafe. A truck and trailer going twenty (20) to twenty-five (25) miles just to come back to the same spot. That's a lot of ware and tear, the way people drive.

Board Member Green is just concerned with the fact that they're storing it in Warren because Warren lets him. That bothers him a little bit. They have five (5) existing violations that they argued before as a board. Violations shouldn't exist before they move on something on properties.

Michael Miracle asked if he's allowed to add anything or no.

Board Member Green said absolutely.

Michael Miracle explained nobody can see the trailer. Back when he was a kid the inspector said build a wood fence all the way around, nobody can see it, everything is fine.

Board Member Green said he gets it. It's all discombobulated, he gets that.

Michael Miracle said ok.

Board Member Green thanked him.

Board Member Lindsey appreciates the comments that the board has made. He guesses he's not in favor of this because he looks at it that the city was enforcing for years. It looks like maybe they stopped enforcing. They really don't have that information. Whether the city is enforcing or not, this is out of ordinance today as it sits. He looks at this as an opportunity to correct that, just because the city has missed it or has allowed it to continue. It's in front of the board today. He would look at this as an opportunity to correct something that's out of ordinance. His biggest concern is the violation. He thinks everybody has echoed that comment, but they have multiple violations over the years of operating a business. Obviously, this parking lot in the front yard has been used to do that. So, he's not in favor. This seems like an economic situation that the petitioner is imposing on himself. He is not going to be voting yes for this tonight.

Michael Miracle said the business doesn't (inaudible).

Chairman Nestorowicz said there wasn't a question to the petitioner from Mr. Lindsey, so. Any other comments or discussion?

Board Member Assessor said maybe to the city attorney. Mr. Watts brought up maybe grandfathering this in until the property is sold. Is that something they could consider and add in?

Jennifer Pierce replied no. She concurs with Mr. Watriont. They couldn't put a limit on it like that. It would forever run with the land.

Board Member Assessor thanked her and yields the floor.

Chairman Nestorowicz wanted to add one (1) comment. He knows it's been there forever, but it would be nice to actually clean up along that street. If it was on gravel behind the fence where nobody saw it, that would be one thing. It is in the front lawn in front of the house area. He means not in front of the house, but in the front lawn. Technically, yes, he's only storing the trailer there. Well the business in a way is still being run out of that house. Just he's picking it up from there, bringing it there at the end of the day. That would happen to a trailer anywhere. That's all he wanted to comment.

Secretary Jerzy understands what he's saying. He also wanted to point out the city has dropped the ball on this for how many years and has blatantly known about it. It's not like he's buried in a cul-de-sac. He's on Thirteen Mile. How many inspectors over how many years drove by this place and did nothing. So, now they want to kind of rake him over the coals because somebody said something in the neighborhood. Now, yes he has been running a business out of his house. Nobody has come up to complain about it. He understands Mr. Lindsey's point of view about trying to self-correct a property and try to get it in compliance, but with that compliance it's just like the same making people rip out cement. They're talking a big slab of cement. This is a huge investment for an eighty-four (84) year old lady to come up with. Now, he's been running a

business for many, many years and he's sure he has some cash reserved, but at this point he feels like they're bailing the city out for their malfeasance on this property, this piece of property. To him he thinks it would be more burdensome economically to try and put some kind of good cement there. To him it would just be a huge investment. To him he's in favor of this because the city dropped the ball, but he does make great points. He does agree with the points that he made, points that pretty much everybody has made, but again, they're put in this position to try and clean up the cities mess, so to speak. He just feels like it's lived there for so long, he's never really had any equipment out in front of the property over the years that it has been a business. Which to his recollection, he thinks when he started seeing lawn mowers it was probably somewhere after 9/11, 2001ish. Somewhere in there. He could be wrong, but somewhere in that time frame.

Michael Miracle said 1993.

Secretary Jerzy said oh ok, that's even longer. Anyway, to him he's inclined to let the gentleman keep it. It is concerning that it has gone unaddressed for so long. Now they're stuck in a position trying to tell him he's got to him he's got to make a \$50,000 investment on his driveway or he can keep it. Anyway, that's all he has. Or he could put grass, too. He'll yield the floor.

Chairman Nestorowicz asked for any other discussion or motions.

Board Member Clift said he'll put a motion on the floor.

Motion:

Board Member Clift made a motion to give permission to retain a 24' 6" x 73' gravel/stone area for parking in the front yard.

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

Board Member Perry supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Clift, support by Mr. Perry to approve the request for the reasons stated.

Roll Call:

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

Board Member Clift	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Assessor	Yes, for the reasons stated in the motion.
Board Member Green	No.
Board Member Watts	Yes, for the reasons stated in the motion.
Board Member Lindsey	No, detriment to the area, economical, and it's not necessary.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	No, detriment and financial.

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

7. PUBLIC HEARING: **APPLICANT: Lukach Bohdan**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 3330 Girard
LEGAL DESCRIPTION: 13-07-277-003
ZONE: R-1-B

VARIANCES REQUESTED: Permission to

Retain 13 lineal feet of 6' high privacy fence that extends 8' 5" beyond the front building line.

ORDINANCES and REQUIREMENTS:

Section 4D.08 – Fences, Walls and Landscape Screens In Front Yard Between Building Line and Front Property Line: No fences, wall or landscape screen shall be constructed between the established building line and the front property line, except as follows: (a) Corner lot. On a corner lot abutting a street, a fence may be installed not exceeding thirty (30) inches in height between the established front setback line to the front property line, and shall be of a non-sight obscuring fence material.

Chairman Nestorowicz asked if the petitioner was present.

No response.

Chairman Nestorowicz asked if they wanted to move this to the back of the agenda in case he shows up.

Motion:

Secretary Jerzy made a motion to move item 7 to the end of the agenda and make it item 10; Board Member Assessor supported the motion.

Voice Vote:

A voice vote was taken. The motion carried (7 – 1). Board Member Clift opposed.

Chairman Nestorowicz stated it has passed so it'll be at the back of the agenda.

8. PUBLIC HEARING: **APPLICANT: Yudo Inc**
REPRESENTATIVE: Schafer Construction, Inc.
COMMON DESCRIPTION: 14575 Eleven Mile
LEGAL DESCRIPTION: 13-13-451-072
ZONE: M-2

VARIANCES REQUESTED: Permission to

- 1) Install a 70.4" x 210.8" (103.06 square ft.) wall sign on south elevation.
- 2) Install a "Y" shaped wall sign with half (247.69 square ft.) of it on the south elevation and the other half (247.69 square ft.) of it on the east elevation for a total of 495.38 square ft.

Total wall signage requested: 509.44 square ft.

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.

Chairman Nestorowicz asked if the petitioner is present for this item. For anyone that's going to be speaking, he just needs their name and address.

Jason Lipa appeared before the board stating he's with Schafer Construction, 102 East Grand River. With him is David Brinkmeyer, architect from FAA Studios. He thanked the board for their time tonight, thanked them for their service. There are two (2) signs under ordinance that they're requesting to have a variance for. The first one he'll touch on is the large wide, it actually wraps the corner of the building. The way they're viewing it is really an architectural element that's stood off with the building built with architectural materials, metal panel. Yudo uses that as their branding across, not only the U.S. but the world. They feel like it adds aesthetically pleasing element to the building. It dresses it up a little bit from it's current state. The second one is the other sign located a little bit higher up on the building with in the center. It's a bit hard to see on the one way road coming down Eleven Mile. With all the vegetation that they have as they're traversing west bound and then also feels like it's appropriately sized for the building itself. They're certainly here to help answer any questions. David can answer any technical questions as it relates to the building material and the signage itself. Again, he thanked the board for their time.

Chairman Nestorowicz stated this is a public hearing. Is there anyone in the audience wishing to speak on this item?

No response.

Chairman Nestorowicz closed the public portion and turned it over to the board for discussion. He's got a question. Maybe it's a question for Steve. He asked him to approach for a second. He knows this is all being considered wall signage. Why wouldn't that design Y type thing, isn't that more of a decorative item as opposed to a sign.

Steve Watripont replied that is definitely branding. That is definitely signage.

Chairman Nestorowicz said the reason why he was saying, because the one hundred square foot sign, normally based on the buildings location, that makes sense. He has no problem with it. He just worries giving approval for a giant Y like that and then the next building owner or occupant has now a five hundred square foot sign. That's the concern. That's why to him isn't that just... He guesses he was looking at it the same way as a gas station. With everything that's put onto the canopy it's considered decorative elements even though you look at the decorative element you know whether it's an Exxon, BP or who it is based on the color.

Steve Watripont said it's usually just coloring on the canopy and everything else. This Y is definitely branding their namesake and everything else, which would definitely fall under the signage as advertising.

Chairman Nestorowicz said that's his only comment.

Secretary Jerzy has a quick question for him, too. Once that said business owner leaves the

premises and they grant the variance for the Y. Is it because the Y is in the variance request.

Steve Watrion explained signage it would be the total square footage.

Secretary Jerzy said still the total square footage applies. To the petitioner real quick. What kind of composite is this made of.

Jason Lipa asked for the Y.

Secretary Jerzy answered yeah.

Jason Lipa explained it's made of metal panel, similar to what's already installed on the building.

Steve Watrion said if he could and probably ask the city attorney. He believes they may be able to put a condition on the materials used for the signage.

Jennifer Pierce believes they can put that condition, as well... She thinks they could also put certain conditions that it remains coloring with no words, if that makes sense.

Steve Watrion said but it is a Y, so.

Secretary Jerzy said it's a letter. If they made a motion to limit it to no wording would that possibly alleviate that square footage in the future if it changes ownership. He doesn't know if a new owner would want a Y on their building.

Jennifer Pierce explained with the condition of the materials and to limit it has no wording, she thinks it would prevent somebody from putting a ginormous sign advertising U-Haul or something of that nature.

Secretary Jerzy yields the floor.

Board Member Lindsey said he's not familiar with the company. He asked if Yudo has other locations anywhere else. Or is this the only location they operate out of.

Jason Lipa answered this would be the only location in Michigan. They're actually moving from Livonia to Warren, but they are a world wide company.

Board Member Lindsey asked if they know if this is a common branding design to have it on the corner of the building like this.

Jason Lipa replied yes it is.

Board Member Lindsey thinks he shares some of the same concerns as his fellow board members. He really doesn't have an issue with them branding the Y. It's very unique to the company, he thinks it's tastefully done. It's taking up a lot of square footage for signs. His concern is if Yudo left that building and it's granted to somebody else. His concern is definitely going to be how much signage are they granting to the next company.

Jason Lipa doesn't believe they're granting it to the address, they're granting it to the applicant.

If Yudo was to move out of the building.

Board Member Lindsey said the variance would stick with the property. They're not granting it to the company, they're granting the variance to the property. So, if the Y goes down. In the future another tenant in that building, they've approved a variance for square footage of signage that they're allowed to use and do with that as they please. So, that's the concern he's hearing from the board. He doesn't know if he has any additional comments. He thinks it's tastefully done. He has no issue with the other Yudo sign. He's concerned that if they don't find a way to kind of limit this with the property, they might have an issue in the future. He'll yield the floor.

Board Member Green said they talked about this before. If they move out of the building and it comes back up, can't they rescind stuff that they do? They say it runs with the property forever, he understands what that means. First of all, whoever buys the building is not going to leave the Y on it, but the square footage...

Secretary Jerzy said the square footage is still going to go with the land though.

Board Member Green asked as they move through rescind. .They've done it before. How does that work? He's asking how does that function?

Jennifer Pierce explained the only way this board has rescinded in the past is if the purchaser... Lets say Yuno sells it and the new purchaser comes in seeking a variance for some different signage. In granting that new variance request, they have previously revoked the previous sign variances that have been granted. Unless a new owner comes before the board, they would have absolutely no opportunity to revoke anything previous.

Board Member Green thanked her.

Jennifer Pierce included they typically have to agree.

Secretary Jerzy said once they grant the 509 somebody can come to them with 500, they wouldn't even need to come to the board because 509 already granted with the property. So, if they wanted to do something bigger, maybe they could take it away at that point. Once they grant the 509, they have 509 on that property forever more. That's the dilemma. Is he right with that Steve? Has he been listening all these years.

Steve Watripont said he was half listening because he found something else. There is an error in this packet. The total square footage should be 609 because the Y is almost 500 itself and then they have another 103.

Secretary Jerzy asked 609.44.

Steve Watripont believes that was a typo. He doesn't believe it has to go back and reposted, but he would ask the city attorney on that. Yes, if they grant it. The conditions would stay with the property, too. If they grant it with conditions they would run with the property for eternity.

Chairman Nestorowicz said conditions on it. Could it be for that Y shape portion for that 495 square feet is only of a solid color with no lettering within that square footage.

Secretary Jerzy said no wording.

Chairman Nestorowicz said no wording as part of that.

Steve Watripont said as a zoning inspector that reviews this, he would look at the letter Y as a word. Especially in today's day and age when they got BRB and Y and different things used. He would look at that as a word when they looked at it. He would probably suggest as they're moving towards approval, look at the solid color of it and the materials might be the best way to put a condition on it.

Jennifer Pierce believes the solid color in and of it itself would not allow for words. Unless she's missing something.

Secretary Jerzy asked what if they put solid color Y only.

Steve Watripont believes the institutional and national sign things would say they cannot control content. That has been upheld in the US Supreme Court.

Chairman Nestorowicz said saying solid color, that's not content.

Board Member Green said they keep falling for this trap. Forty (40) square feet is the...

Board Member Clift asked him to turn on his microphone.

Board Member Green continued saying total signage to no exceed forty (40) square feet. They do this on gas stations and convenience stores. Now they're doing it on this business. So, they are... He doesn't want to use the word arbitrarily, but now they're deciding that... So, it's going to be more than what the ordinance says it can be. It's going to be 100 square feet more or 500 square feet more. Now they're making these decisions. They're kind of just throwing decisions out. If they came up here and said they're going to install 100 square feet and their Y is going to be 100 square feet, that's only 200 square feet. Would that be... Do they see what he's saying? Would that be good? They're going over what the ordinance says they can go over all the time. So, they are now saying that 500 is too much. Understanding that whole... this goes with the property. He doesn't know. This is a tough one.

Board Member Watts said here they are again. They're dealing with an ordinance that's just ridiculous. It's so far out of date. They talked about this four (4) years while he was on council and nothing ever got done. Here they are two (2) years later and they still haven't done anything. You know, he looks at where this building is located at and in his mind who cares. Then the other thing you look at it and it's very tasteful. It looks very nice. They're going to take a piece of property, he thinks it might have been vacant for a while, he's not sure. They're getting a tenant moving in from out of town and wants to put a normal sign on the front of the building and then they just want to, he'll say paint, but he knows it's a metal sign; and a Y on the corner. To him, he understands what Mr. Watripont says, it's branding and he gets it. What would be the difference if he painted the top of his building yellow and the bottom of the building orange. It's the same thing. Right? This is done very tastefully. He looked at their website because he was curious who they were. It looks like everything they've shown on the website has the same Y on

it. Now why they did it, he doesn't know. He just thinks it's very tasteful. He thinks the ordinance is very out of date. He is happy to get an industrial business moving from Livonia coming here, wanting to pay tax dollars, there's no any residents right there, it's all commercial/industrial, and he just doesn't see the big problem with it. He gets what he says about the branding, but when he drives down Van Dyke and looks at the pink buildings, orange buildings and nobody is doing anything about that, but they're going to worry about a beautiful big Y on the corner of a building. It just doesn't make any sense to him. So, he means, he would be a yes vote to approve.

Board Member Lindsey thanked Mr. Watts for those comments. The more he thinks about this, he agrees with him. Who cares, it's 600 feet. Even if another building comes in and they have two (2) big signs. It's a big enough building to support that. He means, if they ever try to go bigger, they'll see it again. He's ready to vote on this if everybody else is.

Board Member Clift said he's right, they fall into the trap every time because they got archaic outdated ordinances that don't address today's signage trends and branding in the marketplace. So, instead of making the corrective action as it should be to take the stress off a body of people who have to arbitrarily make decisions based on input and discuss things for a half hour that's easily solved with a mathematical formula based on square footage of a presentation side of a building. How long Mr. Watts did you they were talking about sign ordinance? He was there four (4) years.

Board Member Watts said four (4) years, six (6) years now.

Board Member Clift continued saying this is fifteen (15) times the amount of signage that is allowed by the ordinance. Fifteen (15). A little over fifteen (15). They hear some of these that are in the hundreds over. If they're willing to continue to take them on one by one and talk about them, he guesses they'll continue to take them on one by one and talk about them. He yields the floor.

Board Member Watts is going to ask one more question and if nobody else has anything, he'll make a motion. Since it says Y. If they were to move out in five (5) years, he hopes they don't. And somebody moves in there and wants to change it to a W because Watts bought it, it's still going to be bigger. They'll still have to get another variance, correct?

Steve Watrion said no. Well if it was bigger, yes. But if they got it to that same 495, no.

Board Member Watts thanked him. Personally, he doesn't have any problem with it.

Motion:

Board Member Watts made a motion to grant the petitioner:

- 1) Install a 70.4" x 210.8" (103.06 square ft.) wall sign on south elevation.
- 2) Install a "Y" shaped wall sign with half (247.69 square ft.) of it on the south elevation and the other half (247.69 square ft.) of it on the east elevation for a total of 495.38 square ft.

Total wall signage requested: **609.44** square ft.

Chairman Nestorowicz said discussion. Did he want to add any condition? Like a solid color?

Secretary Jerzy would like to make an amendment to the motion to include on item 2 that the material be solid red color and made of metal.

Board Member Watts approves that.

Chairman Nestorowicz said they have a motion by Mr. Watts, support by Mr. Jerzy with the amendment to approve the request as stated.

Board Member Lindsey asked for reasons.

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

Roll Call:

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

Board Member Watts	Yes, for the reasons stated in the motion.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Assessor	Yes, for the reasons stated in the motion.
Board Member Clift	No, fifteen times the size of signage allowed in the ordinance.
Board Member Green	Yes, for the reasons stated in the motion.
Board Member Lindsey	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

The petitioner's request was **APPROVED** with the condition that it's red only and material is metal.

9. PUBLIC HEARING:	APPLICANT: Faiz Simon / FF Warren LLC -USE-
REPRESENTATIVE:	Christopher Longe
COMMON DESCRIPTION:	31015 Hoover
LEGAL DESCRIPTION:	13-03-484-005
ZONE:	MZ, C-1, P

VARIANCES REQUESTED: Permission to -USE-

- 1) Hard surface to within 4' of the east property line along Hoover Road in the "P" zone.
- 2) Construct building to within 5' of the west property line.
- 3) Construct a 22' x 98' gas pump canopy that extends in the "P" zone to no less than 26' 6" of the east property line along Hoover Road and to not less than 28' 8-3/8" of the south property line along Thirteen Mile Road. (This variance will replace item #1 from variance granted 10/8/1980). **USE**
- 4) Waive 8 required parking spaces.

ORDINANCES and REQUIREMENTS:

Section 16.06 (b) – Protective Barrier: All street boundaries of such parking areas shall be provided with a fifteen (15) foot wide greenbelt which shall be used for ornamental purposes only, and nothing shall be placed thereon except trees, shrubs, plants, and grass; and provided such greenbelt material shall not exceed two (2) feet in height.

Section 13.07 – Rear Yards: In C-1 districts, a rear yard of not less than twenty (20) feet shall be required; where alleys exist the measurement of the rear yard may include one-half (1/2) of the alley.

Section 16.02 (d) – Limitation of the Use: No buildings other than those for shelter of attendants shall be erected upon premises, and there shall be not more than two (2) such buildings in the area and each such building shall not be more than fifty (50) square feet in area not shall each exceed fifteen (15) feet in height.

Section 4.32 (22) – Off-Street Parking Requirements: All retail stores, except as otherwise specified herein require one (1) parking space for each three hundred (300) square feet of gross floor area.

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

Chairman Nestorowicz asked if the petitioner is present. If the both of them could give name and address, he would appreciate it.

(Inaudible)

Chris Longe appeared before the board saying architect for the project. His address is 124 Peabody. He's here with Faiz Simon who is the applicant and proud owner of Simon Express at Thirteen Mile and Ryan. They're here tonight. He might want to give his address.

Faiz Simon appeared before the board saying good evening. His address of main office is 27745 Orchard Lake Road. Thanks for having him.

Chris Longe began saying as the board probably already knows, they did receive conditional site plan approval last month, with conditions of course. The approved plan contemplates demolition of the existing 1,600 square foot building he believes that's there. The four (4) pumps and the canopy along with it. They're replacing all components with new building, new pumps, new canopy and certainly new landscaping. The building is now being proposed to be fronted on Hoover. Where as now it is fronted on Thirteen Mile Road. They are eliminating one (1) curb cut on Thirteen Mile, the far west curb cut. As was mentioned, they have four (4) variances to achieve. Two of which are in the P zone, which is a thirty (30) foot connection from both Hoover and Thirteen Mile encroaching onto the site. They are maintaining what is an existing landscape strip on Thirteen Mile. They are asking for a four (4) foot landscape buffer on the Hoover side. The additional variance having to do with the P zoning is the canopy, which does encroach about two and a half feet into that P zone on the Hoover side. The rear setback, since the frontage is determined to be on Hoover, the rear setback would incur on the easterly property line. They're asking for a five (5) foot setback. Then as far as parking goes, they have provided ten (10) spaces on site. The math indicates that they need eighteen (18). He would like to point out that the way the building is composed they have about a 1,200 square foot mezzanine which is just for storage. Storage and whatever that doesn't incur additional personal to man. He's just mentioning that because the ordinance does not actually address ancillary spaces. The one thing he would like to mention, too, and Faiz can speak to it probably better than he can. The existing station on Thirteen Mile and Ryan is unique in the sense that it is a head in pumps and then they can pull right through to park directly right in front of the convenience store. He thinks he might be able to talk about how well that works.

Faiz Simon stated the best way to do it is with convenience. Consumers coming in through the driveway, directly going to the building, park their vehicle, go inside, pick what they want and get

out. Much better convenience than current what the station is right now. The way the station was built, maybe thirty (30) or forty (40) years ago, it's not convenience where the consumer comes in and parks their vehicle in front of the building, get their product and get out. So, it's much better traffic getting in and getting out. Customers can come in and don't have to worry about scratching their vehicle or get damage. Come to the pump, get gas and get out. Much easier than the way it's laid out right now. He currently has a station on Thirteen and Ryan. He built that site, it says Simon Express. It's doing wonderful over there. Customers really enjoy going in there. He gets a lot of compliments how they built that site. This is a second one in Warren.

Chris Longe said he'll leave it at that.

Chairman Nestorowicz thanked him very much for that presentation. This is a public hearing. Is there anyone in the audience wishing to speak on this item?

No response.

Chairman Nestorowicz turned it over to the board questions and discussion. He has a comment. First of all, Mr. Simon, he loves his station at Thirteen and Ryan. He stops by there many times, it's a great business and he appreciates that. He thinks having another one of his businesses in the city would be wonderful. He has one (1) concern about... He wished the orientation of his building would've been where the back of the building faced residence as opposed to the orientation he has now, because all he sees if he has traffic going south. The building is going to block the view of all retail businesses next to him over there, because his building will extend so far out. Now, it's not blocked because it's a canopy and technically can see through a canopy and such. When it's going to be a solid building, they won't be able to see any of the retail businesses. It would be nice to actually keep all the businesses on that street orientated the same way where the front of it would be along... Where he would be facing Thirteen Mile in front of the building as opposed to facing Hoover. That's his one (1) comment about it. He doesn't know what his other board members think.

Secretary Jerzy said to the petitioner, Mr. Simon. He thanked him, this looks like a great plan. The one (1) concern he has is, and he's familiar with the site, he owns it, is the travel through. When they're coming to try to, have people short cutting to get to the 7-Eleven, going all across the sidewalk all the time. Is there anything in this plan that is going to help ensure the safety of that patch. Where the curb ends, sidewalk ends? People cut through there all the time and he can't believe a kid hasn't gotten clipped yet. Is there anything on the site plan to address that? Some kind of curb, some kind of bush? Something there that's going to deter a car from going through it. He doesn't know if that was brought up at Planning, sir. Could he speak to that?

Chris Longe replied yes it was brought up at Planning. There was another suggestion that has not worked out, by the way. Which again, Fiaz can speak better to. Regarding preventing cut through traffic, he doesn't see that as an issue and can certainly take care of that architecturally.

Secretary Jerzy said even over sized curb, something to deter traffic going through there. If they're going to redo the plan, he doesn't see any kind of shrubs in there or anything like that. He asked Steve if he missed something?

Steve Watripont explained there is a curbing and grass area there at this point in time, well in the

plan right now.

Secretary Jerzy doesn't know if that's what is existing on the property, because whatever is existing on the property...

Steve Watirpont replied no this is new and what's going to be there.

Secretary Jerzy asked if it's going to go all the way to the...

Steve Watirpont said right to the sidewalk.

Secretary Jerzy said right to the sidewalk. Alright. How big is that curb?

Steve Watirpont believes eighteen (18) inches.

Secretary Jerzy said that's enough to damage.

Steve Watirpont read from the site plan eighteen (18) inch curb and gutter.

Secretary Jerzy said perfect. He's glad they're shutting down that one (1) driveway. He actually reeked his car on it in the winter trying to pull in there. Slid on some ice. He thinks this is a good plan to speak to Chairman Nestorowicz's concerns. If they had the building face the other way, all lights, traffic and all that kind of shining on the condos back there, even with the wall, he thinks the way he's got it... That's just his opinion, but then where do you put the trash enclosure.

Chairman Nestorowicz stated in the back of the building, there is nothing on the back of the building.

Secretary Jerzy said that's true. It's a harder in and out though, too, just living in that area coming out onto Thirteen and Hoover, too. So, he thinks it's a great plan. That station is literally a sardine can and it's been burglarized a few times over the years, too, with the previous owners. He thinks this will help ensure the safety and security, too, of his property as well from theft and things of that nature. This is a great, great plan and thanked him for investing into the city. He was on the board when they had him come to the one on Thirteen and Ryan, which is a great plan, too. So, he doesn't see any problems with this and he'll yield the floor to his board members.

Board Member Watts would concur. He has been in his place at Thirteen and Ryan, it's a beautiful building. He probably did something that nobody else has done, he listened to the Planning Commission meeting when it was on the commission.

Secretary Jerzy said Mr. Watts, real quick, let him cut him off real quick because he forgot to read the impact statement from the Planning Commission, which found no issues were found to impact the abutting, local or general public. He apologizes.

Board Member Watts said no problem. So, he listened to the Planning Commission meeting. He as a problem. Every business that's to the west of that complained about turning that building because it's going to block them. That's not right. That's not right at all. He knows the building is going to be beautiful and everything like that, but he doesn't understand why it can't face Thirteen Mile rather than Hoover. He has to consider in his mind the impact on those businesses, because

he doesn't want to have him build his beautiful... Big, beautiful building, lets call it that. Big, beautiful building. Then have three (3) businesses next door go out of business because nobody sees them. He has a problem with that. He doesn't want to create one (1) nice thing and get three (3) bad things out of the thing. So, this is where he's going to have a problem, and then he has a question as well to Mr. Watripont. Then he'll go back to that. Are they going to back here for signage?

Steve Watripont replied very possible. If it doesn't meet the current variances that they have, because what's there would stay with it. So, if it meets that, then no they wouldn't.

Board Member Watts thanked him. So, he guesses the question is, cause at this point he's kind of opposed to this just because of the way it's going to impact the other businesses. Is there a reason why they're turning the building.

Faiz Simon explained the way they laid the building out is the proper... He's been in the business since 1973. His dad started one (1) station in 1973, he pumped gas when it was all full service and that's all he's done. He built, this is his thirty-fifth location to build from ground ups. So, he laid properties, he's got a lot of friends, because they have job (inaudible) at the soil. Customers ask him how to lay a building out. Matter of fact, some architects use his design. It's the way to get in and get out, easy access for the customers. He knows what the customers want. It's convenience. Plus, the issues of traffic and accident. Maybe someone gets hit in the car, is the way you lay out the building. The business next door, when they left that meeting, he went outside, talked to the shopping center. They've got no problem with him putting that building. Matter of fact, he says they're happy to see a new building there it might bring new business to them. The one (1) person came in that day talking about the restaurant. That's when he talked to him. He said great, he's happy because he's going to bring more business to him with the traffic. Cars come in, park their car up there and maybe come in, may get something from him. As a matter of fact, they were happy. None of them complained.

Board Member Watts asked if they know how much, how far their building is going to come out past the front of their buildings.

Faiz Simon said really, what fifteen (15) feet maybe. Not a whole lot. It's not going to affect them. He doesn't know why he sees that to be a problem for them. As a matter of fact it's going to enhance the area. That building built over there maybe fifty (50) years ago, because of the way they laid it out...

Board Member Watts understands that. This is the third stating they're dealing with on that corner. There is one (1) directly opposite that in his opinion, they're over building the property.

Faiz Simon said that's correct. Just across the street from them he's adding a space behind it. He's taking everything down, building the proper way. Cars come in, park right in front of the building, get product and get out. Very convenience. Backing up, turning around. There are certain feet between each pump. It's laid out the proper way to lay a building.

Board Member Watts said he'll put this bed, ok, because he appreciates him giving him all this information. They couldn't accomplish the same easy in and out facing Thirteen Mile as they would facing Hoover.

Faiz Simon said they can't lay the building out, it won't work. You'll be disappointed himself when he builds that building. He won't be happy as a customer. He's telling you. It's not the right way. This is his business. He knows what it takes to get the customers convenience.

Board Member Watts understands that. Thanks for explaining all that. He appreciates it.

Faiz Simon said of course. Any time.

Chairman Nestorowicz wants to add one (1) comment. See, he remembers a number of years ago on the board here they had the gas station at Eleven and Dequindre come to them that wanted to build a new building, and the way they had it orientated was facing Dequindre and due to the concerns of Parkview Animal Hospital next door, it was like they were concerned nobody was going to see them as they head east that the building owner actually did take a look and change the orientation of the building. So now it looks the same and faces, you know, Eleven Mile as opposed to facing Dequindre. So, he means, it would change the layout but he's sure he could easily fit the same amount of gas pumps and building size and everything if it was being orientated the same way as the other businesses on Thirteen. So...

Faiz Simon asked if he may add one (1) thing to that.
Chairman Nestorowicz said yes.

Faiz Simon said the underground storage tanks. The way they move the truck, fuel delivery. They have to worry about that. You don't want that truck come in, turning around, a car could hit that. The way they laid it out works out the proper way. They look at the underground tanks, they look at the traffic getting in, getting out. This is the proper way to do it. So...

Chairman Nestorowicz asked for any other questions or motions.

Secretary Jerzy would like to make a motion.

Motion:

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

- 1) Hard surface to within 4' of the east property line along Hoover Road in the "P" zone.
- 2) Construct building to within 5' of the west property line.
- 3) Construct a 22' x 98' gas pump canopy that extends in the "P" zone to no less than 26' 6" of the east property line along Hoover Road and to not less than 28' 8-3/8" of the south property line along Thirteen Mile Road. (This variance will replace item #1 from variance granted 10/8/1980). **USE**
- 4) Waive 8 required parking spaces.

Reasons being: Size and shape of the lot; Not a detriment to the area; It'll be an added good thing to the neighborhood.

Board Member Assessor supported the motion.

Chairman Nestorowicz heard the motion by Mr. Jerzy, and he heard two (2) supports.

Board Member Lindsey said Mr. Green

Chairman Nestorowicz said Mr. Green support.

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 Green	Yes, for the reasons stated in the motion.
Board Member Watts	Yes, for the reasons stated in the motion.
Board Member Clift	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 Perry	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	No, still prefer to see a different orientation.

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

10. PUBLIC HEARING:	APPLICANT: Lukach Bohdan
REPRESENTATIVE:	Same as above.
COMMON DESCRIPTION:	3330 Girard
LEGAL DESCRIPTION:	13-07-277-003
ZONE:	R-1-B

VARIANCES REQUESTED: Permission to

Retain 13 lineal feet of 6' high privacy fence that extends 8' 5" beyond the front building line.

ORDINANCES and REQUIREMENTS:

Section 4D.08 – Fences, Walls and Landscape Screens In Front Yard Between Building Line and Front Property Line: No fences, wall or landscape screen shall be constructed between the established building line and the front property line, except as follows: (a) Corner lot. On a corner lot abutting a street, a fence may be installed not exceeding thirty (30) inches in height between the established front setback line to the front property line, and shall be of a non-sight obscuring fence material.

Chairman Nestorowicz doesn't see anybody in the audience.

Motion:

Secretary Jerzy made a motion to deny permission to retain 13 lineal feet of 6' high privacy fence that extends 8' 5" beyond the front building line.

Reasons being: Size and shape of the lot; Petitioner is not present; Against ordinance anyway.

Board Member Green supported the motion.

Board Member Watts asked if they could have discussion on that.

Chairman Nestorowicz said yeah.

Board Member Lindsey said the motion has been supported.

Chairman Nestorowicz had the motion, support by Mr. Green. Mr. Watts wants to have discussion on it.

Board Member Watts said he drove by there and of course he thinks it looks terrible. To have them not show up is another thing. Is there a reason they might not have shown up. Does he have any idea?

Steve Watripont has not been in contact with them for about a month now. He doesn't know if they didn't get the mail He knows that since 9/11 there are things he gets three (3) weeks late. He would say that as from an administration stand point, he would probably like to give them a second chance to show rather than vote it down on the first reading.

Board Member Watts said looking at the reasoning that they gave. Then driving by there. He means, they said tree roots. Well, that's a crazy reason. If they're going to put a fence in, they have to put it in right. If there's tree roots they're going to have to grind them out. It just doesn't make any sense to him why they did this. He guesses he wouldn't have any problem with postponing and giving them a second chance, but he's in agreement with denial. He would rather be fair.

Board Member Lindsey said to the Chair there is a motion on the floor.

Steve Watripont doesn't know if it would cause a legal issue, too, for them not to be heard or if they have a legal reason, too.

Board Member Green said they've done this before and they've talked about this before. Just because the petitioner doesn't show up, they can move on items. He thinks they need to get out of the habit not moving on items. As Shaun just said, there's a motion on the floor. So, they should vote on it.

Board Member Cliff said put him in the line up for comments.

Board Member Lindsey wanted to mention that there was a motion supported on the floor, so he thinks they should be voting on this.

Board Member Watts thinks for denial or approval, you still have the opportunity to discuss it. Tabling, they wouldn't have the opportunity to discuss.

Board Member Lindsey said if he's understanding correctly, before a motion is presented and supported.

Jennifer Pierce said they can make a motion with discussion. Typically, the way this board does it is to have discussion first, but typically the discussion comes after the motion.

Board Member Lindsey is fine, just wants to make sure they're following protocol.

Chairman Nestorowicz knows normally the board has always discussed things and then a

motion comes. Then here somebody made a motion before they had any discussion, so it's... but Mr. Clift had a comment he wanted to add.

Board Member Clift asked if permits were pulled for this fence.

Steve Watripont explained there was a permit pulled.

Board Member Clift asked if it failed its final.

Steve Watripont explained fence permits are just pulled. There is no inspections for them. They did get a complaint. They went out and it wasn't pulled according to the way the permit was presented on the permit. It was presented going straight across from the house and he knows he ran into stuff. He thought it was a gas line, he didn't read everything he did when he talked to him.

Board Member Clift said that's a little troublesome to him that they're going to charge a resident for a permit fee to put a fence in and now he's counting on the city to go and make sure they do the job right. They had to come and inspect his garage when he built it. They had to come and inspect his addition when they built it. They did come and look at his fence when he built it. When did they quit doing that.

Steve Watripont replied they did not look at fences in a long time, unless there is a complaint or an issue with it.

Board Member Clift said he must have been special that day.

Board Member Watts said or roofs.

Steve Watripont said roofs they drive by.

Board Member Clift said that's a little troubling to him that a resident... Him, as a resident, depend on that permit process to protect him as a neighbor or whatever. He finds that absolutely ludicrous that they're going to charge a resident for a permit but not do any follow up or inspection to make sure that whatever was being erected is erected in a proper and safe manner according to the ordinances. He just wanted to go on the record to state that. He'll yield the floor.

Chairman Nestorowicz said not seeing any other discussion, they have a motion and support to deny this request on the floor. Can they take a vote on that?

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 Green

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

Board Member Perry

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

Board Member Assessor

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

Board Member Clift

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

Board Member Lindsey

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

Board Member Watts
Chairman Nestorowicz

Yes, to deny for the reasons stated in the motion.
No, it would be good to give this individual a chance to come speak to the board.

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

11. NEW BUSINESS

Chairman Nestorowicz has one (1) item he wants to mention. Technically, next meeting, first meeting in September will be when they should do voting for new officers. He's hoping everybody will be able to attend that meeting.

Board Member Clift said point of order. He believes they're supposed to, well... That means nominations should have taken place this meeting then. They have to give people an opportunity to nominate, mull over whether they're going to accept and then parlay for their positions. Are they good for nominating next meeting and then voting the meeting after?

Chairman Nestorowicz said it would still be in September, so yes.

Board Member Clift said fair enough.

Chairman Nestorowicz said first meeting in September will be for nominations.

Secretary Jerzy said September 10th.

Chairman Nestorowicz repeated September 10th. Is there a second meeting in September?

Secretary Jerzy said September 24th they'll elect the new officers.

Board Member Clift thanked them.

(Inaudible)

Secretary Jerzy would like to make a motion under new business. It seems they have had this discussion to try to move their meeting up an extra half hour.

Motion:

Secretary Jerzy made a motion to move their meetings going forward to seven (7) o'clock start time.

Board Member Clift said discussion.

Board Member Watts supported the motion.

Chairman Nestorowicz heard discussion and he heard support from multiple voices.

Board Member Clift said discussion. He was curious if the board was going to entertain a stipulation or amount of items they hear in an evening, because especially during the

summer it seems like they've been getting heavily sixteen (16) or seventeen (17) items on an agenda is a little ridiculous. Running on into later on at night doesn't seem feasible. He's just wanting to throw that out there to see if anybody wanted to entertain that notion.

Secretary Jerzy agrees with that. He would defer to the city attorney as far as that goes. Could they... Is that something they could...

Jennifer Pierce called to Mary.

Mary Kamp explained they typically try to limit no more than ten (10), the items start at number 6, their actual voting items. On the same token, that is also a heavy time frame that people are doing fences and yard work and needing these variances or whatever. They don't, at least in our office, they don't do anything to prevent an item from being put on the agenda. They do try to (inaudible) the best they can.

Jennifer Pierce asked if there is a deadline. When it has to be filed?

Mary Kamp explained they have to put notices out two (2) weeks in advance. So, if they got an item today it wouldn't make the next meeting. It's already a month out before they could potentially be heard. If they start limiting the numbers, you might be pushing people two (2) to three (3) months out. Because of the construction season and that, they'll be causing a hardship.

Board Member Clift said maybe if they updated some of their ordinances and didn't have to hear as much stuff, maybe that would help, too.

Secretary Jerzy said there you go. He has a motion on the floor to change the meeting to 7:00 p.m.

Chairman Nestorowicz said the support. He heard multiple support voices. Mr. Watts.

Board Member Clift asked effective immediately.

Secretary Jerzy said next meeting or would it have to wait for another posting.

Mary Kamp explained it would have to wait for the next posting. She also wants to review the bylaws. (Inaudible)

Chairman Nestorowicz said they have the motion and support to move the start time to 7:00 p.m. effective September 24th.

Voice Vote:

A voice vote was taken. The motion carried (7 – 1). Board Member Lindsey opposed.

(Inaudible)

Board Member Lindsey said it's a problem for him.

Chairman Nestorowicz asked him that it's a problem for him.

Board Member Lindsey said he'll have to deal with it.

Board Member Clift said to let him expound on it.

Board Member Lindsey explained he has a full time job, he has a wife, a house to take care of.

Secretary Jerzy said noted.

Chairman Nestorowicz asked if they wanted to consider, since it's not good for the entire existing board. Want to reconsider that?

Board Member Green thinks what they should do is... The wishes have been heard. He thinks they should defer and wait to see what the city attorney says at the next meeting as how it relates to bylaws and stuff. Whether or not its something they have to process, they have to do first. Then give it time for them to think about it and hash it out with each other. Does that make sense?

Chairman Nestorowicz said that makes sense, but its like he knows, if moving the start time was actually unanimous then everybody is able to do it, then he would tend to not be in favor of doing that. That's why. That's why its like if it's causing an issue, he would...

Board Member Clift said it's only fair to take Mr. Lindsey's situation into consideration.

Motion:

Secretary Jerzy made a motion to reconsider his motion until they get more information regarding the bylaws. Readdress this at the September 10th meeting; Supported by Board Member Clift.

Chairman Nestorowicz asked that the vote they took then would not be counted.

Secretary Jerzy said rescinded.

Chairman Nestorowicz continued asking until they get to September 10th.

Jennifer Pierce said correct.

Steve Watripont said with a vote.

Voice Vote:

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

Board Member Lindsey thanked them.

Chairman Nestorowicz said they'll discuss this on September 10th.

Board Member Watts has a question for Mr. Watripont, and he thinks something else, too. Last

night he went to the council meeting. On the way to the council meeting, and he knows he lives over in that area, between Thirteen and Fourteen Mile, houses facing Hayes. He counted seven (7) homes with cars parked on the lawn. He didn't count the ones that have added gravel and concrete. That's been like that for some time. He guesses his question to him is, is that his department for parking on the lawn?

Steve Watripont explained it could be both of them, but mostly zoning. It's in the zoning ordinance. It's also part of international property maintenance code. So it could be both.

Board Member Watts is not going to officially file a complaint yet. He guess, what he noticed last night it was like that. Today he went by there and he found one (1) car. Tonight on the way to the meeting they were right back to the same situation. One place had six (6) or seven (7) cars on the lawn. He guesses maybe, unofficially, and he knows he lives in the area. If he's going by that way at night take a peak.

Steve Watripont asked at night, right.

Board Member Watts replied yep. It's very concerning. It seems to be rapidly growing problem in the city. If they don't nip it they're going to have a problem. So, thanks a lot and he appreciates it.

12. ADJOURNMENT

Motion:

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

Voice Vote:

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

Board Member Lindsey said Mr. Assessor had a comment.

Board Member Assessor asked Steve if they could get the Planning impact statements much sooner than the day of.

Steve Watripont told him that he gets them the day of. They come from the Planning Department and has no control over that. He can request it earlier.

Board Member Assessor said this one was eighteen (18) pages and they got it today. He would like to read through it a little bit.

Steve Watripont said he can request it.

Board Member Assessor said it would be much appreciated. That was it. Thank you.

Chairman Nestorowicz said they had the motion and asked for a support for the motion for adjournment.

(Inaudible)

Chairman Nestorowicz said yes. Ok, well. Well he...

Board Member Green said they're adjourning again.

Jennifer Pierce said oh, adjourning again. Ok. Round two, ok.

The meeting adjourned at 8:54 p.m.

Paul Jerzy
Secretary of the Board

APPROVED