

WARREN ZONING BOARD OF APPEALS  
REGULAR MEETING  
SEPTEMBER 24, 2025

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, September 24, 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, Chairman  
William Clift, Vice-Chairman  
Paul Jerzy, Secretary  
Garry Watts, Assistant Secretary  
Michael Assessor  
Jon Green  
Shaun Lindsey  
Charles Perry

**Members of the Board absent:**

David Sophiea

**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 Clift.

**Voice Vote:**

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

**4. ADOPTION OF THE AGENDA**

**Motion:**

Secretary Jerzy made a motion to remove item #9 and adopt the agenda as amended.

Board Member Clift called point of order. Reason for removal.

Secretary Jerzy explained the petitioner has withdrawn their motion.

Board Member Clift supported the motion.

**Voice Vote:**

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

**5. APPROVAL OF THE MINUTES – Regular Meetings of August 13, 2025, August 27, 2025, and September 10, 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).

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|----------------------------|--------------------------------|
| <b>6. PUBLIC HEARING:</b>  | <b>APPLICANT: Martin Jones</b> |
| <b>REPRESENTATIVE:</b>     | Same as above.                 |
| <b>COMMON DESCRIPTION:</b> | 21735 Ehlert                   |
| <b>LEGAL DESCRIPTION:</b>  | 13-36-177-034                  |
| <b>ZONE:</b>               | R-1-C                          |

**VARIANCES REQUESTED: Permission to**

Retain setback of the front porch to within 21' of the front property line and 22' of the sidewalk.

**Section 7.05 – Front Yard:** Each lot in R-1-C districts shall have a front yard of not less than twenty-five (25) feet.

Chairman Nestorowicz asked if the petitioner is present. Please approach. Actually, for all petitioners, when they come up state name and full address before taking the board through their request.

Secretary Jerzy said to make sure the green light is on. There you go.

Martin Jones, 21735 Ehlert, appeared before the board.

Chairman Nestorowicz asked him for what his request is today.

Martin Jones wants to retain the setback of the front porch within twenty-one (21) feet of the front property and twenty-two (22) of the sidewalk. So that his front porch matches everybody else's on the street.

Chairman Nestorowicz thanked him for that explanation. 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 question and discussion.

Secretary Jerzy asked the petitioner if he's just replacing the old one. Making a little larger one?

Martin Jones explained there isn't one there. All that is there is a front stoop. He was just looking to match that and extend it out towards the driveway and have a front porch.

Secretary Jerzy thinks it's a reasonable request that they've seen in the past. He'd love to see him have a porch to enjoy the neighborhood and things of that nature. He'll yield the floor right now.

Chairman Nestorowicz asked for any other question or discussion.

Board Member Lindsey asked if he plans on building that to the edge of the house or to the edge of the driveway.

Martin Jones replied to the edge of the house.

Board Member Lindsey stated he said driveway, he thought it would be to the edge of the house when he looked at the pictures. He's fine with it being to the edge of the house. He didn't really want to see it go to the driveway, but thanks for clarifying.

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

Chairman Nestorowicz said to go ahead, Mr. Jerzy.

**Motion:**

Secretary Jerzy made a motion to grant the petitioner permission to retain setback of the front porch to within 21' of the front property line and 22' of the sidewalk.

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

Board Member Lindsey supported the motion.

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

**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 Lindsey	Yes, for the reasons stated in the motion.
Board Member Watts	Yes, for the reasons stated in the motion.
Board Member Green	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 Perry	Yes, for the reasons stated in the motion.

Chairman Nestorowicz

Yes, for the reasons stated in the motion.

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

7. PUBLIC HEARING: **APPLICANT: Ralph and Diane Marchione**  
REPRESENTATIVE: Ralph Marchione  
COMMON DESCRIPTION: 30122 Cousino  
LEGAL DESCRIPTION: 13-08-251-019  
ZONE: R-1-C

**VARIANCES REQUESTED: Permission to**

1) Allow 2 detached accessory structures.

2) Allow accessory structures to not be placed against any other accessory structure.

Total combined accessory structure floor area of 651 square ft., which includes a 411 square ft. attached garage does not exceed the allowable 700 square ft.

**ORDINANCES and REQUIREMENTS:**

**Section 4.20 (a) – Detached Accessory Buildings:** All detached accessory buildings shall not exceed one (1) story or ten (10) feet in height measured to the eaves and shall not occupy more than thirty (30) percent of the rear yard. Such buildings shall conform to, and shall not project beyond, the existing side building lines of the principal building on the lot and shall be one (1) foot from the edge of any easement. The construction of all such accessory structures shall be subject to the following conditions: (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.

Board Member Green asked to abstain from voting on this item. It's a neighbor of his. He's approached him a couple of times in relation to this item just for clarification. He made it clear he can't discuss it with him. So there's no appearance of conflict, he's going to ask to abstain from voting.

Chairman Nestorowicz thanked him. So, he should actually move from the stage, right? They had a request to excuse himself from this item. Do they have a motion to support that?

**Motion:**

Board Member Watts made a motion to excuse Mr. Green from voting on this item;  
Supported by Secretary Jerzy.

**Voice Vote:**

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

Chairman Nestorowicz stated Mr. Grene is excused from item #7 and to his knowledge that means he would need to actually leave the stage for this portion. If the petitioner could start with name and address and then take the board through their request.

Ralph Marchione, 30122 Cousino, appeared before the board stating the request is for to attach, well two (2) structures within the backyard. Not attached. He apologized, he doesn't know the language of the ordinance, but he included a small sketch. He has a covered gazebo, hard covered, outside on their patio. He removed an old shed that was weathered and three (3) feet

from the house. It was on six (6) by twelve (12) paver blocks. It wasn't rat wall or approved or anything. He would like to reinstall a shed by the back fence line. he has a slab already that's been approved with the rat wall and everything. It's up to code. There is an easement back there, six (6) feet plus the one (1) foot. His property abuts the General Motors Tech Center woods. So, there are no people behind him. It wouldn't interfere with the neighbors. He thinks the closest neighbor across is over one hundred yards and there's woods.

Chairman Nestorowicz thanked him for that description of his request. This is a public hearing. Is there anyone in the audience wishing to speak on this item? Come forward to the microphone. Step aside to let the other resident. If the board can get their name and address also.

Kamaljit Chahal, 4931 Muriel, appeared before the board stating he is a neighbor. He came to show support for the Marchione's. They have a beautiful backyard. He doesn't think a shed would look quite distinct from a colored patio. Their backyard looks beautiful and it would continue to look beautiful with a shed. He's completely in support of the Marchione's variance request.

Chairman Nestorowicz thanked him for those comments. Was there anyone else in the audience wanting to speak on this item?

No response.

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

Secretary Jerzy said to the petitioner the sketch wasn't included in their packet. They just received. They're allowing a couple board members to digest that and give them a couple seconds here to digest that.

Ralph Marchione stated it's pretty self-explanatory. The pad that was poured is off the site line from the street. He made sure it was all that.

Secretary Jerzy asked him to give the board one second here to get through that. He doesn't have any further questions.

Board Member Watts asked if he already poured the slab for the...

Ralph Marchione replied yes, sir. He wasn't aware that it wasn't allowed for the two (2) structures. It's a gazebo with the hard cover and he wasn't aware that it wasn't allowed, two (2) structures. The ordinance, he didn't even know what ordinance he was appealing until he got his package.

Board Member Watts asked if the shed is up already.

Ralph Marchione replied no, sir.

Board Member Watts asked if that cement work has had an inspection yet.

Ralph Marchione replied yes, sir. It's been approved.

Board Member Watts said his other question, he did a drive by. He drives by all the stuff. He noticed fresh cement for the driveway to the right, as you're facing the front of the home. He has a question for the zoning inspector on that. He assumes he probably poured that at the same time.

Ralph Marchione replied yes, sir.

Board Member Watts asked if that would be up to code.

Steve Watripont explained they did have an inspector out there today. They only allow the driveway to the edge of the garage on both sides. It did not meet that. He believes an enforcement letter will be going out, if it didn't go out today, it will be going out shortly. Separate enforcement.

Board Member Watts said the slab for the rat wall for the shed was ok.

Steve Watripont is not sure. It would have been a building inspector that would have gone out there. In the rear yard, they can pour the cement without a permit. So, that wouldn't have been a problem if it was poured and he put the footings in there. The inspection part would be to make sure that there's the rat wall, which it could be dug out once it's secured and everything.

Board Member Watts said fair enough and thanked him. That's all he has.

Board Member Clift said good evening. His questions are pertaining to his gazebo. Open sided, does it got walls. Give him a little description.

Ralph Marchione explained it's open. All four (4) sides are open. It's not attached to the slab. He believes it's three (3) feet away from the house.

Board Member Clift asked if it's one of those big box store type of gazebos.

Ralph Marchione replied yes, sir.

Board Member Clift doesn't have an aversion to that as long as it's not got walls on it. He doesn't have a problem with this all the way around. He yields the floor.

Chairman Nestorowicz asked for any other questions or discussion.

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

**Motion:**

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

- 1) Allow 2 detached accessory structures.
- 2) Allow accessory structures to not be placed against any other accessory structure.  
Total combined accessory structure floor area of 651 square ft., which includes a 411 square ft. attached garage does not exceed the allowable 700 square ft.

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

Board Member Clift supported the motion.

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

**Roll Call:**

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

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

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

Ralph Marchione asked when it will be recorded. He would like to order the shed.

Chairman Nestorowicz informed to talk to Steve over there on the side.

Ralph Marchione thanked them.

Chairman Nestorowicz said to have a good evening.

8. PUBLIC HEARING: **APPLICANT: City of Warren – Tom Bommarito -USE-**  
REPRESENTATIVE: Hunter Manikas  
COMMON DESCRIPTION: 23157 Van Dyke  
LEGAL DESCRIPTION: 13-28-484-027  
ZONE: C-2

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

- 1) Construct a building 0' from the north property line along Continental Avenue.
- 2) Construct a building 0' from the east property line along Van Dyke Avenue.
- 3) Construction a building 0' from the south property line along Paige Avenue.
- 4) Allow a residential use in a C-2 zoning district. **USE**
- 5) Construct a three-story building in C-2 zoning district.
- 6) Allow a parking lot 5' from the front property line along Continental Avenue.
- 7) Waive 24 required parking spaces.

**ORDINANCES and REQUIREMENTS:**

**Section 14.06 – Front Yard For Commercial Buildings:** A front yard set-back of fifteen (15) feet shall be provided for commercial buildings, measuring from the right-of-way line proposed by the Master Thoroughfare Plan of the City of Warren.

**Section 14.07 – Side Yards On Interior Lot Lines:** ... If windows or opening are provided, a side yard of not less than ten (10) feet shall be provided.

**Section 14.08 – Side Yards on the Street Side of Corner Lots:** The width of a side yard abutting upon a street shall be not less than fifteen (15) feet when rear yards abuts rear yards. However, in the case of a rear yard abutting a side yard of an adjacent residential lot, the side

yard abutting upon a street shall be not less than twenty-five (25) feet.

**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: (a) All uses permitted in C-1 Districts, except dwellings for one-family, two-family and multiple-family in which the occupants primarily make their home twelve (12) months out of each year. This is not intended to exclude over-night, weekly or monthly transient living quarters.

**Section 14.03 – Building Height:** No building hereafter erected or altered in C-2 Districts, shall exceed thirty-five (35) feet or two (2) stories in height, except as provided in Article XIX of this ordinance.

**Section 8.05 – Front Yard:** Each lot in R-1-P Districts shall have a front yard not less than twenty-five (25) feet in depth.

**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 table, and the space, so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use. (2) Multiple dwellings and efficiency apartments. Two (2) parking spaces per dwelling unit. Where community or recreating type building has been included within the site plan there shall be provided one off-street parking space for each fifty (50) square feet of floor area for said building. (18) Medical or dental clinics. One (1) parking space for each one hundred fifty (150) square feet of gross floor area.

Hunter Manikas appeared before the board and thanked them for their time and consideration for these requests. It's very much appreciated.

Chairman Nestorowicz interrupted him for one second. First of all, he means, the board will need their full name and address, but he realized item 4 on here is a use. They are down one (1) board member today. So, since it's a use variance, he just wanted to give an opportunity if they wanted to postpone to have a full board. He has that opportunity because a use variance needs six (6) yes'. He wasn't sure if he wants to proceed or...

Hunter Manikas believes they'll be ok to proceed.

Chairman Nestorowicz apologized for the interruption and asked him to start with name and address and then the request.

Hunter Manikas stated he's from Economic Development with the City of Warren, 1 City Square.

Chairman Nestorowicz said ok.

Hunter Manikas continued as stated they're requesting the zero lot lines, residential use, in a C-2 zoning district, three (3) story building, parking five (5) feet from the front property line on Continental, and to waive twenty-four (24) parking spaces. This development came to be through a lot of hard work with the MEDC, Michigan Economic Development Corporation. The city is striving to become a member of their RRC program, certified. They have some requirements in terms of meeting that criteria. This project aligns with a lot of what they would like to see in the future in the City of Warren. That being more flexible parking, zero lot lines, and residential allowance in a commercial district. It's been very difficult to get construction built down on the south side of Warren. Along Van Dyke there they're working really hard to bring a lot of new investment,



development, create new jobs, really revitalize the area. They worked in partnership with Dr. Fadi who owns a medical clinic in Warren already. He was looking to expand in speaking to them about it. After they met with the MEDC, they kind of came up with the idea that this would be a great spot for it. The land that it's on is congruent and owned by the TIFA board. That is not very common there. There are lots certainly that they own along Van Dyke, but nothing of this sizeable nature. The MEDC, due to the infeasibility, there's about a one point eight million dollar gap between what the construction would cost and what it would take to actually turn a profit on this construction. So, they are willing to put forward one point eight million dollars as a grant towards the City of Warren for this project. A lot of the enticement to them was this more modern design, that being the zero lot lines, less restrictive parking, and the residential and medical use. Overall they think this will act as an anchor for economic activity in the area and further investment. It also aligns with the City of Warren master plan as well as the Van Dyke corridor plan and implementation plan, which have been designed. If there's any questions the board has, he would be happy to answer them. Thanks.

Chairman Nestorowicz thanked him for that information. 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. They do have... if he could read into the record. An impact statement to read in.

Secretary Jerzy thanked him. Per Ron Wuerth of 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 for mixed use development for My Healthy Medical Facility and multi-family development on March 10, 2025."

Chairman Nestorowicz thanked him. Public portion is now closed. He turned it over to the board for question and discussion.

Board Member Green has two (2) questions. He looked at the parking calculations. They're pretty confusing. It would appear as though, looking at it from a layman standpoint that there's not going to be enough parking. It lists ten (10) apartments?

Hunter Manikas replied in total there are twenty-three (23) apartments. Three of them will be on the first floor along side the medical office. Those will be accessible to people who have trouble with mobility. The next two (2) stories on this structure will have ten (10) apartments each. So, twenty-three (23) apartments in total.

Board Member Green said it would be... maybe it would be more general, his question. There's going to be enough parking spaces? If they have twenty-three (23) whatever, residential area, living spaces. Two (2) cars per space. Then you add the medical facility. He asked if he sees where he's going. Reading the backup, it's got two (2) or three (3) different ways to calculate it. He's asking if there's going to be adequate parking.

Hunter Manikas replies yes. The TIFA district is going to be constructing a public parking space right across the street behind the old Louie's Bar sight. There will be a public lot there. There is

also space at the library, which can be used during the day. They are asking to waive some of the parking requirements to allow for more flexible parking and kind of encourage more walking in that area.

Board Member Green asked at the end of the day who owns this.

Hunter Manikas explained the parking lot behind the structure will be owned by My Health Clinic.

Board Member Green said the building itself on the TIFA property.

Hunter Manikas replied that will be the My Health Clinic. He believes the LLC is 32000 Mound LLC.

Board Member Green said funding wise, his last question then. So, they have a grant. One point eight million he said?

Hunter Manikas said yes, sir.

Board Member Green asked what happens if, a lot of projects he's been involved in overrun, so what happens if it costs more than one point eight million dollars. Who is on the hook for the money.

Hunter Manikas explained it's a flexible grant in terms of what they were allowing. He believes at first it was one point six, but now it's gone up to one point eight. If there is more gap that needs to be financed, he believes it can go up close to two million, if not two million. Ultimately, the city will not be responsible for paying overages or anything like that.

Board Member Green thanked him.

Board Member Watts said he has quite a few questions. How many parking... he's having a hard time. Like this print is really small on here. How many parking spaces are on site?

Hunter Manikas said to give him a moment.

(Inaudible)

Hunter Manikas stated there appears to be twenty-nine (29) parking spaces. Thirty-one (31), his apologies.

Board Member Watts asked for how many apartments.

Hunter Manikas said thirty-six (36). His apologies. He also doesn't have the greatest eye.

Board Member Watts asked if that's on site.

Hunter Manikas replied yes, sir.

Board Member Watts has a few problems. Number one, attending as many meetings as he have, he's wondering where their Economic Development coordinator is. He should be here representing

this project.

Hunter Manikas explained he's the Economic Development representative. As of right now, he's the only member of the Economic Development staff.

Board Member Watts said fair enough. Here's his problem. He's very familiar with the property. He has a big problem saying there's parking at the library, because the library needs their parking. They don't need people over there parking for the health clinic. This property needs to be able to hold it's own. He also has problem saying, he knows what he's talking about behind the old Louie's Bar, but he has a problem with people having to cross the street to get to their house, to their apartment. That just doesn't right. He assumes the doctor is going to fund all the money except for what he is getting.

Hunter Manikas replies yes. They've transferred the application status over to the doctor. They've worked along side them to get them through the process. They purchased the land from TIFA and it will be deeded over to them soon.

Board Member Watts said continuing on with the situation, he thinks it's over building the property. He welcomes development in the south end, he gets it, but he thinks they're trying to over build the property there. To build on three (3) sides, right on the property line, he thinks that's just a horrible idea. It's a horrible idea.

Hunter Manikas explained it is in alignment with the master plan as well as the corridor plan and the implementation plan. It suggests almost an exact building. This is really a model for what is suggested in those plans.

Board Member Watts understands that, but he's in disagreement with that. So, he'll probably be a no vote on this just because of the size of it going on the size property. So, thank you.

Board Member Lindsey thinks he echoes a lot of what his counter parts are saying here. It seems like they have residents that aren't going to have anywhere to park their cars. What if they wanted to have a guest, where are they going to park? He agrees. He thinks it's really starting to overbuild. Having the medical clinic in there as well. Just seems like they're trying to do a little bit too much with the space they have. He wants to support south Warren development. He works down there. They need whatever they can get down there, but this to him is not a good design. He also disagrees with it being right on the property line. That's not what he wants to see in the city, even though that might be the city's idea of what they're looking for. Right now it's on the zoning board for a decision, so he's going to be voting no on this unfortunately.

Hunter Manikas wanted to remind the board there will be parking installed across the street, as well as along the entire TIFA district.

Board Member Lindsey said he mentioned that and he appreciates it, but that was already mentioned.

Secretary Jerzy asked if they have a shared parking agreement with the library at all or any kind of agreement.

Hunter Manikas explained that would just be during the day. Across the street parking would have such an agreement something like this drawn up. As it's being intended to help supplement this that is really the purpose of this.

Secretary Jerzy can appreciate the fact that the building matches the master plan, he really can. It's very thought out, but again, the parking situation is kind of, you know, he's trying to wrap his head around it. He can see where he's going with it, but having people cross a busy road to try, especially at night, and things of that nature. It becomes a hazard.

Hunter Manikas explained there's been a cross walk installed right at the fire station, which is right across from it. Big safety caution they've taken to ensure that there is safe crossing at this area.

Secretary Jerzy said that is true. The one thing, he thinks the plan is good except for the amount of apartments. That's the only thing he has a problem with. He thinks it's an over stretch for the amount of apartments. If they scaled it down to twelve (12) apartments, he thinks he can really get behind it. I just really thinks they're trying to pack ten (10) pounds of stuff into a five (5) pound bag. Again, he can appreciate the thoughtfulness of going through all this and having it right to the T of the master plan and kudos for that. The parking and just the amount of residential apartments is something that he has a problem with in regards to the parking. If they scale that down, the parking probably wouldn't be an issue. That's his take on it, he'll yield the floor.

Chairman Nestorowicz wanted to add his comments on the following, because if this building was a slightly different building, he would not have problems with it going to the property line. If, lets say, the entire first floor was retail or some kind of tenant like that. He looks at this drawing and the three (3) residential units on the ground floor, basically the only windows they have face Van Dyke and they'll be right on the sidewalk. He would love to know how somebody would want an apartment if you have your drapes open everybody walking down the sidewalk will be able to look straight into the living quarters. He's seen many mixed use buildings, whether it's in city's like Royal Oak and others, they always have retail or restaurant space along the first floor, and then residential is second floor or higher. Or the buildings that have residential on the first floor are actually setback farther from the sidewalk and have some green space. So, that's where he looks at it. He questions the zero feet from the lot line there and also the concerns about parking. Parking across the street is not something that... He could just picture all those people parking in front of the neighbors houses all the way up and down Continental. That's his comments.

Board Member Clift asked how come they didn't get a visual of what this thing is going to look like when it was completed. He thinks what they're lacking here is some vision to be able to see what it is they're trying to convey. It's hard for him to visualize a three (3) story building from plans. He kind of likes the concept. He understands where it relates to some of the other entities he mentioned earlier and the master plan. But what he thinks they're missing out on here is a big selling point when it comes to a visual so they can actually see what this was going to render out look like. He thinks it might have greatly benefited his presentation had that been included in here. Is there a reason why they didn't have one. Does he have one?

Hunter Manikas does have a rendering. He didn't know that should have been included, so he does apologize. He can certainly have that sent out to each of them if they would like. This incorporates some of the corridor plans, future ideas in the bike lanes there will be added a curb that will have some green space on it, medians in the middle of the road that have trees and this

kind of stuff. That kind of makes it a lot easier on the eyes when looking out the front window.

Board Member Clift said right, that's the root to his point exactly. Also, it probably wouldn't have hurt to look at some of the ordinances and change some of that around for some redistricting or redoing some zoning when it comes to these kind of projects to make it easier for the projects to move forward without having to come through, what he considers to be a relatively archaic process for new and modern ideas. With that he'll yield the floor.

Board Member Watts wants to add one thing. He said there is a cross walk and a light there. The light was put up to handle the emergency new vehicles out of the new fire station. He doesn't think it was meant to be for pedestrian traffic. He doesn't know, but he knows that's why it was put up.

Hunter Manikas believes there is a button they can press that will halt the traffic, but he's not one hundred percent certain on that.

Chairman Nestorowicz asked for any other questions, discussion, comments, motions.

Board Member Clift wanted to chime in that he feels a whole lot better about it if he could see it. He doesn't feel where he's in a position where he can support it based on the information that was presented to him here tonight.

Chairman Nestorowicz asked if they would want to ask the petitioner to see if they can reschedule this to the next meeting so they can provide drawings or renderings.

Board Member Clift said he can't speak for the rest of the board. He knows it would help him an awful lot.

Board Member Green stated there seems to be a lot more issues than just what a rendering would solve. He doesn't know what the right direction is, but a rendering is not going to solve the parking issue. He doesn't know if postponing it or rescheduling it would make much of a difference at this particular point.

Chairman Nestorowicz said unless the petitioner wanted to take it back to discuss the concerns regarding parking. He wonders if he wanted to go back and say there is a lot of issues from the board in terms of waiving the amount of parking they're asking for and such. Maybe revise the plan or so.

Board Member Watts asked if there is a time limit on this grant.

Hunter Manikas believes at the end of the next year money has to be disbursed. That just means construction has to be started by the end of next year.

Board Member Watts asked by the end of 2026.

Hunter Manikas answered yes.

Board Member Watts is in agreement, too. There's too many questions here that need to be answered. He thinks a rendering, even though he goes down there two (2) or three (3) times a

week, he thinks a rendering might help him see what that's going to look like. Also, he has concerns about the parking. He has a huge problem saying that they're going to let people park at the library. That's not a public parking lot, so to speak, that's for the patrons there. Now, he's concerned about people trying to park at the fire hall. He knows they got gates, but he's concerned about that being a problem for the fire station now. Especially if they're going to park people across the street, that's going to be another problem. That station is very busy. There's too many questions to be answered. He guesses he would be willing to postpone if they can get more information to help them understand what's going on here. It's a big project, he doesn't want to see the city lose a project. He certainly wants Van Dyke to be developed, but there's too many unanswered questions of what's going to go on. That's where he stands.

Chairman Nestorowicz asked if Steve had a...

Steve Watripont explained his suggestion is from the concerns he's heard. If they postpone it, don't do it to the next meeting to give them time to look at it. They might want to do a postponement indefinitely so that it would be reposted so that anything that was reconsidered would then be re-noticed.

Chairman Nestorowicz thanked him.

Board Member Lindsey is totally in favor of postponing. His thoughts on this right now, a visual rendering is helpful. That alone is not going to change his decision as it stands tonight. He's totally comfortable coming back with a new plan, but he thinks what he needs to sway his vote into being in favor of this is he thinks right now his concerns are definitely going to be too much packed into this one size lot. He has to see a reduction in addition to more parking. He's not a big fan of having the properties right along the property line. If other things change, he's a little bit more comfortable with what's going on. That might not be a sticking point, but he wants him at least to know where he's at tonight and how he's leaning towards voting. He doesn't want to see the city lose this project either. He just thinks right now the way it is, it's too much. He doesn't think it's good the way it is. If they postpone he's in favor of that.

Board Member Assessor said based on what he's hearing, he would like to make a motion then, please.

**Motion:**

Board Member Assessor made a motion to postpone indefinitely; Supported by Board Member Green.

Chairman Nestorowicz stated they have a motion and support to postpone indefinitely to give him a chance. He's heard the boards concerns. So, that way he can go gather whatever rendering, maybe try to address the parking concerns. When he comes back if there might be some revisions or so.

Secretary Jerzy would like to see renderings of the parking situation, too. Across the street if they can provide that as well. Not just the actual site plans.

Chairman Nestorowicz said to take a vote on the motion.

**Voice Vote:**

A voice vote was taken. The motion carried (7 – 1).

The petitioner's request was **POSTPONED INDEFINITELY** as written.

Chairman Nestorowicz said the item is postponed. When he gathers the information he can get back on the agenda and go from there.

Hunter Manikas thanked the board for their time this evening.

9. PUBLIC HEARING: **APPLICANT: Paslin – Richard Burzynski**  
REPRESENTATIVE: William Lince  
COMMON DESCRIPTION: 25411 Ryan  
LEGAL DESCRIPTION: 13-19-478-013  
ZONE: MZ, R-1-P, M-2

**VARIANCES REQUESTED: Permission to**

Install a 12' x 36' (432 square ft.) wall sign on the east elevation of the building and retain a 24" x 24' (48 square ft.) existing wall sign on the east elevation for a total of 480 square ft. of wall signage.

**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.

*This item was removed during the adoption of the agenda.*

10. PUBLIC HEARING: **APPLICANT: Mohammad Fokhrul Islam**  
REPRESENTATIVE: Moneer Alhawal  
COMMON DESCRIPTION: 2870 Fourteen Mile  
LEGAL DESCRIPTION: 13-06-201-031  
ZONE: O

**VARIANCES REQUESTED: Permission to**

- 1) Allow a community center on a property with a 98.2' lot width.
- 2) Allow a community center in an existing building with a 24.6' front setback.
- 3) Allow a community center in an existing building with a 11.2' setback to the west side property line and a 8.5' setback to the east side property line.

**ORDINANCES and REQUIREMENTS:**

**Section 5.11 – Churches, Schools, Libraries and Civic Clubs:** Churches, synagogues, mosques, public schools, public libraries, private educational institutions, funeral homes, community buildings, country clubs, fraternal lodges or similar civic or social clubs shall be permitted with permission of the Planning Commission pursuant to the standards set forth in Section 22.14(b)(1) and upon compliance with the following minimum requirements: (2) That the size of the site shall be a minimum of one-half (1/2) acre, shall have a lot width of not less than one hundred (100) feet and a lot depth of not less than two hundred (200) feet. (8) Every building shall have a front yard of not less than thirty (30) feet. If a circular drive is proposed in the front

yard, a distance equal to the width of the drive shall be added to the front yard setback. (9) Every building shall have two (2) side yards of not less than twenty (20) feet each.

Secretary Jerzy apologized if he got his name wrong.

Moneer Alhawal appeared before the board saying good evening. He is here to represent the community center members. He hopes the board grants them these variances. They're minor variances. This is an existing building. The property will be completely improved. Resurfacing the parking lot, raise the screening wall to the residential on the side and in the back as well. He's here to answer any questions. He thinks everything is clear.

Chairman Netorowicz thanked him for that presentation. This is a public hearing. Are there any members of the audience wishing to speak on this item? Anybody wishing to speak, please approach the podium. If everybody could start with name and address for the record and then comments.

Peter Woryk appeared before the board stating he's the property owner adjacent to the representative here. The address is 2830-2860 Fourteen Mile. It's a four (4) unit commercial building. Two (2) of the units, one is a coffee shop, one is a barber shop, the other two units had a grocery store. That has recently vacated. They do share a common driveway to enter between the two buildings and the parking lot is split basically by the driveway. Parking on one side behind one building and parking on the other side for the other building. Previously, the tenant of this new purchased property, which he is glad somebody purchased the property. It was a veterinary clinic. So, the parking wasn't really an issue. They didn't have that many clients at one time. His concern is if there is a community event, there aren't that many parking spots. Even before there some over flow of parking from one to the other, but it really wasn't an issue. Being that it's on Fourteen Mile there's no street parking and the side streets are relatively far away. So, his concern is the parking as it seems parking is an issue with a lot of different developments. He thinks it also depends on the usage. That's just the concern he wanted to voice. Thank you.

Mark Music, 32942 Dowland, appeared before the board saying he has several objections to this project. The first is like he just said, the veterinary clinic was a very low intensity of use. There are only twenty-four (24) parking spots that fit behind this building. It's completely inadequate if just the people here came to the center, there wouldn't be enough parking. His concern they will overflow onto the side streets on either side of the building. He's only two (2) houses off of Fourteen Mile. He can just envision cars lined up and down the street and people walking up and down the street coming to and from events. It is trying to put too much into this space. It was a building designed for low intensity. This is not a community center; this is a mosque that's being built. There is a lot of activity at a mosque. That's great, but they have to have the facilities that support that. This is just the wrong choice of a building for what they want to do. He absolutely is opposed to it. Thank you.

Dana Valitutti, 32945 Dowland, appeared before the board saying he is opposed to this. As Mark and the other guy said, parking is an issue. There's only twenty-four (24) spots. The building will... The last time they were here the building housed eighty (80) people, that's twenty-seven (27) parking spots. That's not enough parking spots. Plus they probably would need a garbage dumpster for all those people that would lessen the parking spots. Also, there's a bunch of people here and there's about forty (40) people here last time. Since this is a community center,



that's their husbands, wives, children. The building holds eighty (80) people. That would be more than eighty (80) people. That would be a fire hazard. All those cars in the parking lot would be a fire hazard, too. If something happens, an ambulance or fire truck couldn't get back there. Also, with all these cars coming in and out. Like he said, parking on the side streets. There is a bus stop for junior high and elementary on Dowland. On the other side is junior high and high school. With all the cars coming in and out and the kids, who knows what'll happen. Is the wall part of this? The wall does need to be extended up higher to eight (8) feet because in his backyard they see everything that goes on. They see all the people. They see all the headlights, everything like that. The coffee shop, there's always seventeen (17) to twenty (20) cars just for the coffee shop that's in there. The hair cut place, there's four (4) chairs. So, he believes that each chair needs two (2) parking spots. That doesn't include the workers. He believes it's just one (1) worker. Then again, with the parking, it's just a tight spot and everybody would be all over on the side streets. He thinks that's it. Thank you.

Chairman Nestorowicz asked for any other comments from the audience.

Khairul Islam, 29057 Ohmer, appeared before the board saying he's a member of American Bangladesh Community and he does support this community center. The reason because the Bangladesh community people are growing here. The youth, the young and senior citizens. They do need this type of place and he understands that the members are concerned about the parking. So, just he wanted to emphasize that the people aren't going to gather all together at the same time. One family will come, another will go. So it's not going to be a busy area. Or it's not going to be a gathering every single day. Maybe once in a month or year. Of course they are obligated to follow the rules and regulation. He just wants to say that it is very much needed for the community, for the youngsters, for the youth and for the senior citizens. Again, it's not going to be a gathering like every day like they are concerned about. One family will come, another will leave. So, it should not be a problem. He does support this project and he does respect all of the decision they make. Thank you.

Chairman Nestorowicz asked for any other comments from the audience.

Antoinette Collin, 32924 Oakview, appeared before the board saying her home is adjacent behind the coffee, barber shop. The coffee shop and barber shop she finds this to be open from the hours of nine to five. What the community center is trying to do, which they have no where around, they have a weed dispensary, they have liquor stores on every corner. This coffee shop holding thirty (30) parking spots because she's not sure how many are there. She lives right behind it. There are twenty (20) to twenty-five (25) cars on the weekend till two or three am. What they're trying to do is open a community center for a different ethnicity to help and gather together. To help one another maintain jobs, education, clothing. To be functional in society in a city that they live in. Their own neighbors have no problem donating. They're trying to help get established. She doesn't see why there would be a problem of a community center being open versus everything else that's going on. She's adjacent, right behind both of these buildings. The traffic that they're saying. She doesn't see a hundred people. Does she see people that could be walking there? Yes. She definitely could, but it's something that's more positive in the community than a negative. That's all she has to say.

Chairman Nestorowicz asked for any other comments before he closes the public portion.

Muzamil Hussain, 32007 Claeys, appeared before the board saying he's supporting this community center because it's not only focusing on the community from Bangladeshi people, but regardless of that. They're going to try to help anyone from around the neighborhood. If they're struggling with language barriers, food, or any support they need. It's not going to be every people coming into that place together. Whenever they need they will come and visit. They come and have their things done and leave. So, some of the neighbors, they're saying there would be a big event or something like that. It's not going to be the same. Hopefully, it's going to help their community people other than making huge traffic. That's all he can say about supporting their community center. Thank you.

Patti Leja, 32936 Oakview, appeared before the board saying her property is directly behind the proposed site. Like her neighbor had said, there's a lot of activity into the wee hours of the morning. She's concerned that this will continue and escalate if the location is being used after hours. At the initial meeting they had said that the property would open at 8:00am and maybe be closed by six. There were concerns at the prior meeting what happens if they had events that were later in the day, what provisions would be made, etc. She has a big concern about the parking, because she lives on the next street over. She is concerned that people will be parking there as well. One of the issues at the last meeting, they talked about putting up a six (6) or eight (8) foot wall. From what she understands because she's on the west side of the property, and the other building is a different parcel, that they would only add height to the east wall and half of the south wall. Leaving her side, which is the west side, with the four (4) foot wall along with the other. So, only part of the wall in the parking lot would be higher. The other, her side, would be lower. She can see right into the parking lot, see all the activity going on. The other thing that was addressed at the last meeting. They posted a picture of some of the application. In the picture, she has it here on her phone, it's stated right in there that this was a community center that is for men only. No women would be allowed into the events. That's a concerning factor for her as well. She hopes the board takes all of that into consideration. Thank you.

Safwan Mahmud, 32925 Oakview, appeared before the board saying he lives less than 300 feet. He is also one of the owners in the building at 2870 Fourteen Mile. He wanted to share something about this building. When they bought this building at the time, they checked everything. Also, they ask some community members, they agreed with them. Also, just one of the neighbors she said about the mens. Last time they did some mistakes about the men and women. That's why they didn't hire him again. This was a small mistake. They fix it. This is a community center not only for the Muslim. He is the owner so he knows about how they can use it. He also explained to his neighbor who and collected a lot of signatures he submitted here requesting (inaudible) signature. They're also living very close from this building. They have (inaudible) cannot attend. They also supported by signature. Also, he can promise about this building they cannot any big sounds or traffic problems or anything because of community center for all public. It's not only for the Muslims. They are trying to help people who is in need of food or other support or anything. They know a lot of people need support. A lot of homeless people. A lot of their community members, there is helping them about the money. They can spend for homeless people. They need space for the weekend. When he spoke with the neighbor she said he has a lot of clothes. He's not finding any place where he can keep these clothes. That's not one of the main things. This is not their members neighbors that are complaining against the parking lot. This parking lot has thirty-eight (38) parking spots that all members are not coming at the same time. Two (2) or three (3) people come when needed. When they're finished they will come back, then another person can come. This way it will continue. Not this at the same time a lot of people

can come and will be big (inaudible). He is requesting for if the board approves this they will be very helpful for their community and for all community members in their neighborhoods. Also, he is promising again, they won't bother any neighborhoods or big noise or anything. Thank you so much.

Matabur Rahman, 33270 Linsdale, appeared before the board saying that community center parking is not a problem because he lives two (2) minutes away. Almost twenty-four (24) hours, he saw in the coffee shop maybe three (3) or four (4) customers. The barber shop, this is his barber shop, five (5) or six (6) customers. If he's sleeping he doesn't see anything. He doesn't see traffic or anything problem, because the community center is not only for Bangladeshi. That community center for all American people. Chaldean, American, Bangladeshi, all of them for help for people. He was here before last time. He speak to please this community center for working for all everybody. That's his concern. Thank you so much.

Chairman Nestorowicz thanked them all for those comments. There's an impact statement that needs to be read in. He'll close the public portion of the meeting, not seeing anyone else.

Secretary Jerzy thanked him and said he actually has an email and the impact statement from the Planning Department. He'll read the email first into the record. This is from a concerned neighbor from Earl Drive.

"We are one of those persons owning property within 300 feet of the property involved. We are a couple, senior citizens who have lived here for more than twenty years.

We do not allow this center to be in this location for the following reasons:

1. There will be traffic congestion along 14 mile rd because the entrance going to the parking lot is only one lane and narrow, making it very slow for vehicles to enter going to the parking lot..
2. The area of the building is small. I do not know if it can meet the minimum required area of a community center because it was formerly a small animal hospital.
3. The surrounding fences are low, therefore lots of disturbance to the surrounding homeowners whenever there will be affairs in the center/parking lot.
4. The 98.2' lot width, 24.6' front setback, 11.2' setback to the west side property line and the 8.5' setback to the east side property line should meet the requirements for a community center and approved by proper authorities (building permit, zoning dept. ,etc)

I hope you will read my email and concern in the public hearing. I'm sorry I cannot attend personally because I will be taking care of my grandkids."

Next he has the impact statement. Per Ron Wuerth, Planning Director:

"After review of the request, the following issues were found to impact the abutting, local or general public:

- 1) It was Planning Staffs observation that this property is poorly screened. A modified greenbelt consisting of trees such as arborvitaes and evergreens, in addition to the 6 ft. wall, would provide the best screening. However, trees would require a reduction in parking and reconfiguration

of the maneuvering lanes along the south and east property lines.

2) Additional questions need to be answered regarding the total occupancy of the building. The floor plan indicates a total occupancy load of 139 occupants; however, they indicate they will not exceed 80 occupants. The Fire Marshal's comment/question for this site plan is: What assurances will be in place to ensure the capacity is not more than 80 persons? This information needs to be provided prior to bringing the project back before the Planning Commission.

3) It is the Planning Staffs perception that when an event is occurring that the parking lot behind the other commercial building will be used by attendees. Regulating where attendees should park would be required of the owners.

4) A concern of the Planning Staff is the existing building setback of only 8 ft. when the side yard setback should be 20 ft.

It is with the above-listed issues and concerns that the Planning Staff recommend the requested variances be denied."

Chairman Nestorowicz thanked him for reading those into the record, Mr. Jerzy. He turned it over to the board for their questions and discussion.

Board Member Watts said yesterday he went back and looked up the Planning Commission meeting. He watched, probably an hour and a half. He listened to Mr. Wuertth's explanation on all of this stuff, plus some other concerns. The recommendation was to deny. He thinks the concerns are very valid. There was a lot more residents at the Planning meeting that spoke as well about concerns with the neighborhood. The other thing that came up was they're saying it's going to be a community center. It came out that it's also going to be used for religious activities, which that could present a problem with how many people are coming. He knows that the call to prayer brings in a lot of people in as well. He went over there and looked at it, he looked at the parking lot. He means, he has a concern for the gentleman who owns the commercial next door. There's not that many parking spaces back there. If they have eight (80) people come in, two (2) to a car, that's forty (40) cars. That's not going to work in that parking lot. It doesn't make any sense. If they go with the number that was stated there, it could be potentially 139, that presents a bigger problem. He doesn't think that the gentleman that owns the commercial building next door should be taking his property being overtaken for parking. That's not right. He doesn't think that this idea fits the neighborhood. He thinks it's going to be a problem. There's going to be too much traffic and based on the Planning Commissions recommendation for denial, he's going to be a no vote. This is not right. No way this should have made it to them.

Board Member Lindsey has a question for the petitioner. He apologized for making him get back up. Just one quick question for him. He's looking at his packet here. He just wants to make sure he understands correctly. In the application, were they aware when they purchased the building that it's not zoned for this type of property.

Moneer Alhawal replied yeah, it's zoned office.

Board Member Lindsey said yes, ok.

Moneer Alhawal said they went to the zoning ordinance and office, previous zoning and

so on, until they get to the community center.

Board Member Lindsey thanked him and said that answered his question. So, to the board, they got a situation where the owner of the building purchased the property knowing what it was zoned and now they're trying to get a variance to change the purpose of what this is for. He heard from the public. It sounds like there's a lot of concern by the residents living in the neighborhood that this is going to cause a lot of traffic, parking. So, in his opinion it's definitely going to create a detriment to the area. It seems like it's certainly self-imposed. There is nothing unique about the property. The owner is trying to change the property for what it was intended to do. It seems it would be for a personal or economic reason as to why they're trying to get this variance. He's not going to be voting yes for this. Their criteria says the applicant has to demonstrate all of the following to establish there is a practice difficulty in order for the ordinance to be approved. He doesn't see that he's meeting any of the criteria. He has to vote no on this.

Moneer Alhawal asked if he could say something.

Chairman Nestorowicz said only if there's a question. He doesn't know if Mr. Lindsey was just giving his comments, didn't ask any questions. Any other comments or discussion amongst the board?

Board Member Cliff called for Mr. Watripont. Sir, please. Help him out a little bit here. Just kind of help him along, because he kind of dove into this a little bit on the ordinance side. O, office districts, he's just going to do some quick recite reading. It's intended to accommodate those non-residential uses of administrative or professional nature, which are necessary to the normal conduct of a communities activities. It is specifically designed, however, to prohibit the introduction of commercial establishments of a retail nature or activities which require the constant visits of the general public. Then they going into 13a.01, which is the use. He doesn't see anything about a community center use outlined in here. He needs to correct him if he missed it. He read it three (3) times, but that doesn't mean he didn't miss it. He asked if he wanted him to run through them.

Steve Watripont said he's trying to pull up the ordinances and go from there.

Board Member Cliff said all permitted uses in PB or R-1-P, except residential dwellings. So, are community centers allowed in PB or R-1-P districts off the top of his head.

Steve Watripont said they're allowed in the R-1-A. If they go to one of those districts it's going to say what's allowed. If they go to the R-1-P it's going to say what's allowed in an R-1-C, what's allowed in R-1-C is allowed in R-1-B, what's allowed in R-1-B is allowed in an R-1-A. So it goes to 5.11 in the zoning ordinance.

Board Member Cliff laughed and said alright. He guesses he's just looking for a yes or no. Is the use that they're looking for... Not the use, he doesn't want to use that word use. Is the activity with the word community center fall into the category of any of those.

Steve Watripont explained a community center would be allowed use in an O district because of the hierarchy of the way the zones work.

Board Member Clift said ok. That's where his contradictory nature comes in, because when it talks about intent and purpose, that whole thing just seems to throw it right out the window.

Steve Watripont understands that. Also, under that, there is a section of 5.11 that it must meet in that regard, that takes it back a little bit to that intent.

Board Member Clift said they had some previous things come before the board that started out innocuous and relatively innocent on the forefront then it involved into problems in the city. He doesn't want to see that happen here. That gives him great pause. He's having a hard time one way or the other on this particular proposal. He doesn't have a crystal ball, but he has some experience with other things that went before the board ten (10), fifteen (15), twenty (20) years ago that are now rearing their heads with some public outcry. At the base of it, it just doesn't seem... He's going to echo his colleague said, Mr. Watts. It just doesn't seem like it's a good fit for the neighborhood for the area there. He thinks it just kind of falls short when it comes to the express intent and purpose of the O district. The O district on the face of things when he reads through is more of a professional office setting where there's not a lot of coming and going. Ten (10) or fifteen (15) people in a building work in an office, maybe have their occasional visitor here or there. Where, a well run community center is going to have people constantly in place and coming and going consistently. Then if they're performing religious activities and call to prayer goes on. Now they're overwhelmed with other kinds of issues. He just... thank you, Mr. Watripont. He yields the floor. Thank you.

Chairman Nestorowicz asked for any other comments or discussion or motions.

Board Member Lindsey is prepared to make a motion unless they have other comments.

No response.

**Motion:**

Board Member Lindsey made a motion to deny permission to:

- 1) Allow a community center on a property with a 98.2' lot width.
- 2) Allow a community center in an existing building with a 24.6' front setback.
- 3) Allow a community center in an existing building with a 11.2' setback to the west side property line and a 8.5' setback to the east side property line.

Reasons being: Self-imposed; The property is not unique; Detriment to the area; Personal or economic; Not necessary.

Board Member Perry supported the motion.

Chairman Nestorowicz said they have a motion to deny by Mr. Lindsey, support by Perry for reasons stated in the motion. So, it'll be a yes vote to deny. Roll call.

**Roll Call:**

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

Board Member Lindsey	Yes, to deny.
Board Member Perry	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 for the reasons stated.
Secretary Jerzy	Yes, to deny for the reasons stated in the motion.
Chairman Nestorowicz	Yes, to deny.

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

11. PUBLIC HEARING:	<b>APPLICANT: Kamal Nona</b>
REPRESENTATIVE:	Karim Yousif
COMMON DESCRIPTION:	5650 Ten Mile
LEGAL DESCRIPTION:	13-29-228-002
ZONE:	M-1

**VARIANCES REQUESTED: Permission to**

- 1) Allow a collision shop to within 163' of a residential zoning district.
- 2) Waive 2 required parking spaces.

**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...

**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 table, and the space, so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use. (20) ... Personal service shops required one (1) parking space for each five hundred (500) square feet of floor area.

Karim Yousif, 1441 Leafgreen, appeared before the board.

Kamal Nona, 5650 Ten Mile, appeared before the board saying he's the owner of the property.

Chairman Nestorowicz asked them to take the board through their request.

Karim Yousif explained their request is two (2) variances. One of them is to approve that location is 163 feet away from the residential area and to remove two (2) parking spots from their existing parking lot. To approve their work going further and further.

Chairman Nestorowicz thanked him for that information. 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 of the meeting and there's an impact statement, Mr. Jerzy, he could read into the record.

Secretary Jerzy thanked the Chair. Per Ron Wuerth, Planning Director of the Planning Department:

"After review of the request, no issues were found to impact the abutting, local, or general public. The petitioner received site plan approval for a 30 foot by 30 foot building addition to the collision shop on August 11, 2025."

Chairman Nestorowicz thanked him. He turned this matter over to the board for their questions and discussion.

Secretary Jerzy said real quick to the petitioner. How long has he owned the property?

Kamal Nona replied from 2004.

Secretary Jerzy said from 2004. Gotcha. Basically, he's looking at all the enforcement on the property. From snow removal to this that and the other thing. Him, personally, he's going to get on his soap box because he has the floor. He's personally against anymore auto repair shops in this town. He feels like it's saturated. There's one every thirty (30) feet. There's so many auto repair shops in this town like there were bars in Hamtramck in the eighties. So, that being said, with all the enforcement he would kind of recommend that he takes care of his property and be a better neighbor. But will at that being said, he really finds no reason to deny this. They have collision shops that are closer, if he goes back to the nuts and bolts of this, they have collision shops that abut residential areas. All over this town that have been granted prior to him being on the board, but to him he can't find a really good reason to not grant him his variance. With all that being said, he would just like to reiterate try to be a good neighbor, try to take care of his property the best he can. They have a lot of auto repair shops are just going amuck. Just cars upon cars upon cars on the property that infinitely stay there for parts and things of that nature. He's just painting a picture of what goes on in this town, and he just doesn't want to see that on the property. He personally can't see any reason to deny it. He appreciates him at least listening to his rant and things of that nature. To him, he thinks they granted things that are a lot closer and a little bit crazier in nature. So, he'll yield the floor on that.

Board Member Watts said his question to the petitioner. He's been there twenty (20) years, correct?

Karim Yousif replied right.

Board Member Watts asked if its been a collision shop all that time.

Karim Yousif replied yes, sir.

Board Member Watts asked if they're looking to expand.

Karim Yousif explained they're trying to expand to keep their spare parts in the area and also allow their customers to keep their vehicles for a long time. They're trying to improve their work.



Board Member Watts asked that he's adding onto the property, the building.

Karim Yousif replied yes, sir.

Board Member Watts said he, too, has a problem with looking at all the complaints there. The one that concerned him, really concerned him, the overspray on peoples cars to another piece of property. One question to Mr. Watripont. He looked at the Building Department records online. He was kind of confused. This had an occupancy permit, correct?

Steve Watripont replied yes, the original does.

Board Member Watts wanted to make sure of that because he was confused. He saw a couple that were canceled and that's where he got confused. He wasn't sure if one finally got approved or not.

Steve Watripont will verify that, but he believes he was an inspector on that. He's not hundred percent sure but he believes it was.

Board Member Watts said his word is good. Thank you.

Steve Watripont stated it's a guess, so.

Chairman Nestorowicz told Mr. Watripont not to walk away.

Steve Watripont said Mr. Watts isn't done yet though.

Board Member Watts said he's all set. Thank you.

Chairman Nestorowicz said he has a question. Since there's been a collision shop operating. Is the reason they need the variance is because of the addition.

Steve Watripont explained expanding to nonconforming use. He believes, he didn't look at the plans closely, but he believes it's getting closer to the residential area with the addition.

Chairman Nestorowicz said that's what he just wanted to verify because that's how he understood when he looked at this.

(Inaudible)

Secretary Jerzy said if no body else has anything else to say he'll make a motion.

**Motion:**

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

- 1) Allow a collision shop to within 163' of a residential zoning district.
- 2) Waive 2 required parking spaces.

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

Board Member Assessor supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Jerzy, support by Mr. Assessor to approve the request for reasons stated in the motion.

**Roll Call:**

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

Secretary Jerzy	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.
Board Member Clift	Yes, for the reasons stated in the motion.
Board Member Green	No.
Board Member Watts	No, too close to the residential dwellings.
Board Member Lindsey	No, detriment to the area.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

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

Secretary Jerzy said to please be mindful of the neighbors. That's all they ask. Thank you.

<b>12. PUBLIC HEARING:</b>	<b>APPLICANT: Justin Kallo</b>
<b>REPRESENTATIVE:</b>	Michael Beydoun
<b>COMMON DESCRIPTION:</b>	5649 Eight Mile
<b>LEGAL DESCRIPTION:</b>	13-32-481-034
<b>ZONE:</b>	M-2

**VARIANCES REQUESTED: Permission to**

- 1) Construct a new building 11' from the center of the alley onto the north side of property.
- 2) Construct a new building to the west property line.
- 3) Allow parking and maneuvering lanes to the east property line along Syracuse.
- 4) Allow parking and maneuvering lanes to the front property line along Eight Mile.
- 5) Waive both the required 8' wide greenbelt and 6' high concrete wall.

**ORDINANCES and REQUIREMENTS:**

**Section 17.02 (b) – Industrial Standards:** Side and rear yards. 20' each required for M-2.

**Section 17.02 (a) – Industrial Standards:** Front yards. 25' required for M-2.

**Section 17.02 (c) – Industrial Standards:** Greenbelt. Along all zoning district boundary lines which border on a more restrictive zoning district. Along all street property lines but may be omitted along the front yard when the front yard is landscaped. 8' wide as per Section 2.26 for M-2.

**Section 2.26 (a) – Greenbelt:** An eight (8) foot greenbelt shall be a solid planting strip composed of evergreen trees spaced not more than twenty (20) feet apart and not less than one (1) row of evergreen shrubs, spaced not more than five (5) feet apart and which are at least five (5) feet or more in height after one (1) full growing season after planting, and which shall be planted and maintained in a healthy growing conditions by either the occupant or owner of the property. A decorative masonry wall, not more than six (6) feet in height and not less than eight (8) inches in thickness may be substituted for either of the above greenbelts, upon approval of the Planning

Direction, and shall be maintained in an attractive condition and structurally sound.

Michael Beydoun, 4320 Pratt, appeared before the board.

Justin Kallo, 57170 Starcreek Court, appeared before the board.

Michael Beydoun explained what they actually have is an existing building. It's about 10,000 square feet building. It used to be steel fabrication. They're actually downsizing. The rear setback, or rear of the building, they are not actually changing the setback. He understands it's not conforming, but they're not actually changing that. They're shrinking the building from 10,000 to actually 5,000 square feet. They are asking, since the existing building right now is right on the property line, they're cutting that part of the building out for more parking, more landscaping. He tried to compensate for some of the landscaping as for the square footage. Just to make sure this site can accommodate all the parking and have better maneuvering. Even better than what it is right now. They planted some landscaping on the front, which wasn't required. They do trees and shrubs, so that's why they're putting a lot of landscaping in this one here. Even including interior islands. On top of all that, that was recommended by Planning, since they have... he's not sure if the board actually saw the elevation of the property. He doesn't think he submitted it with this one here, but it's like the state of the art building. Right now, it's an eye sore and they need to modify that. If they modify that and make it look beautiful and all that kind of stuff, it will beautify that part of Eight Mile. He's not sure if the board can see this. It's all stone and brick and all that kind of stuff as part of the shopping center. The recommendation actually from Planning is to do the same thing that part of the store right next door. Right now that part is outdated with blocks. They're actually willing to spend the money and make sure it looks like one hell of a shopping center right there. He does have one more thing here. As far as the brick wall, he does believe it's actually on the plans. Since the building is about 119 feet in the back, they have a six (6) foot. He doesn't know why everyone is missing it, a brick wall actually right on the alley side behind the dumpster. That wall is actually being provided. He just wanted to say one more thing. Actually, they already got approved from MDOT as far as changing the maneuvering lane on the entrance and all that.

Chairman Nestorowicz asked if there is anything else he wanted to add on.

Michael Beydoun is open for any questions.

Chairman Nestorowicz said this is a public hearing. Is there anybody in the audience wishing to speak on this item? Just let this resident have the microphone.

Athea Benjamin appeared before the board stating her mother owns 20742 Blackmar, that sits adjacent or behind the liquor store. She wanted to say to the board that Mr. Justin has done everything he said he was going to do. The paper is being picked up and also he closed the side of the alley that's touching her property. He closed the alley so he doesn't have as much traffic coming. The other side already had a gate at the bottom. Justin didn't know that, so when they left the meeting last time he was here she showed him that there was a gate on Syracuse and he closed it. Her concerns are being met. She wanted to tell the board.

Chairman Nestorowicz thanked her for those comments.

Athea Benjamin said she supports.

Chairman Nestorowicz closed the public portion, seeing no other members of the audience. They have an impact statement to read into the record.

Secretary Jerzy said one last one, Mr. Chair. Thank you. Per Ron Wuerth, Planning Director of the Planning Department:

"After review of the request, no issues were found to impact the abutting, local, or general public. The petitioner received site plan approval for a new retail center on July 28, 2025. For concerns regarding the requested variance to waive the eight (8) foot green belt or six (6) foot concrete wall along the north property line, a six (6) foot high wooden fence, four (4) foot high chain link fence, and some metal paneling exist along the north edge of the 20 foot wide alley. There are also some mature trees located along the rear property lines of the dwellings."

Chairman Nestorowicz thanked him. He turned it over to the board for any questions or discussions.

Secretary Jerzy thanked the petitioner for waiting through the meeting to the end. He drove by the property. This is a great project, in his opinion. It's a very good use. The one that just kind of... walk him through this rechanging of the driveway. The one thing he would like to see that the liquor store doesn't have and the current property just purchased it. Is he safe to assume that he owns both properties?

Justin Kallo replied correct.

Secretary Jerzy thinks he read that in the backup. So the one thing that's not consistent with Eight Mile, and if they look east and west of the property, there's a greenbelt. There's grass. The one thing he would like to see is between the sidewalk and Eight Mile,, just a strip of grass. The one thing he can see happening and he's seen it on Google Earth image, there's a mustang that's parked underneath the liquor store sign if they get enough business. He just doesn't want people parking thinking it's a cement slab to park that close to Eight Mile. If they follow what he's saying.

Justin Kallo agrees with him. He went on Google before and saw one car actually parked right there.

Secretary Jerzy said right. So, either side it just continues the strip right down Eight Mile. With this great of a project, he'd hate to see it fall short with not having some greenbelt. If they're redoing that whole property, lets do it right to the T. He doesn't have a problem waiving the wall or any of the other requests that they've submitted. He would like to try to see some kind of grass there and don't let it die. Make sure it stays green, too.

Michael Beydoun doesn't have any objection for it but he will take it out and place grass. Also, plant some trees. They have no problem with that.

Secretary Jerzy said that sounds great. He'll yield the floor if anybody else has anything

to say.

Chairman Nestorowicz asked Mr. Watripont if he was approaching because he had something to add.

Steve Watripont replied yes. He agrees with that concept. However, it will create a maneuvering lane that doesn't fall under the ordinance, so he'll have to add another variance onto it and go from there. So it may have to go back to Planning first with that rendering if that's the plan. He knows it says one way there now. He may be able to get it in without that because of the one way, but it's got to be reviewed by Planning before that.

Secretary Jerzy said that makes sense.

Steve Watripont said if the board approves it, it may still come back. All he wanted them to know is the reasons why.

Secretary Jerzy thanked him.

(Inaudible)

Board Member Lindsey has a quick question for the applicant.

Michael Beydoun asked just for the party store or all along Eight Mile.

Secretary Jerzy said with the current project, he can't really go with what he has with the liquor store. They're dealing with the current property at 5469. In front of 5469 he would like to see some grass. He knows that if he changes something at the liquor store, like Mr. Watripont said.

Steve Watripont said it's the liquor store that could cause the problem,

Secretary Jerzy said right here now, focus on this project and can do a deep dive into the liquor store later on down the road. That's what he would like to see on that property, but very nicely done gentleman. He thanked them for investing. He yields the floor.

Board Member Lindsey said his question to the petitioner, and if he mentioned it and missed it he apologizes. First, he really has no issues here. This is more just so he fully understands what's happening. He said they have a 10,000 square foot building now and they're tearing that completely down, reconstructing to a 5,000 square foot building.

Michael Beydoun would rather do that if they're going to have a problem with the variance in the back, but the footing already exists, and the wall already exists. They would rather tear the whole thing down and start from scratch.

Board Member Lindsey asked if that's their plan. To take down the 10,000 square foot and build a new building half the size.

Michael Beydoun replied correct. Once they have a six (6) foot wall, the size of the footings may not be enough to support that. The building right now is supported on steel. So, he does believe the foundation needs to be changed, yes.

Board Member Lindsey asked what they're putting in there. They said shopping center. Is it going to be one store that goes in there?

Michael Beydoun explained they're going to leave it open. More than likely it's going to be some kind of retail.

Board Member Lindsey said they don't have a tenant, just building the building to get a tenant in there.

Michael Beydoun replied correct.

Board Member Lindsey said no clue as to who might move in.

Michael Beydoun replied correct.

Board Member Lindsey said that's totally fine. That doesn't weight his decision at all. He agrees with Mr. Jerzy. They're going to do a wonderful project, why are they waiving the greenbelt. He would like to see landscaping on a brand new project like this.

Michael Beydoun said just because of the setbacks right there. They're bringing the building down to 5,000 square feet and it would not be feasible to make it smaller. So just to comply with the parking requirement, so that's one of the reasons. They can actually plant trees on the side of Syracuse, but he tried to compensate for the square footage by creating the big corner right here. Syracuse with more shrubs and trees. Also another island right here. That will compensate for the same square footage. He added more landscaping on the front. Greenbelt on the front.

(Inaudible)

Board Member Lindsey asked Mr. Watripont to clarify for him where the greenbelt is supposed to be and where the request of waiving.

Steve Watripont explained the greenbelt is a separation where there is residential property. That would be... they vacated alley. So it would be down the center of the alley now is where his property line is and that's where the six (6) foot wall and/or greenbelt would have to go. Along that back portion. He knows what he's saying about green area and everything else, Planning is all for that as well. But that's not part of the...

Board Member Lindsey asked this is more to have a barrier between any residential.

Steve Watripont replied yes.

Board Member Lindsey asked why they want to waive that. Help him get on board with that.

Michael Beydoun said they've been talking with the neighbor. He's putting the wall on their property and they do agree to it so they can leave the alley in case for maintenance or anything like that, even with it being vacated. They have no problem building up the wall right there. Or turning half of their alley into landscaping. He loves landscaping. The residents behind them were asking if its possible to building up the wall on their own property for their own safety and security and things like that. They can do either or.

Board Member Lindsey said that answers his question. Comments to the board, he's not going to let that stand in the way on how he votes on this. He doesn't know why they need to get rid of that.

Board Member Clift said utilities are ran back there.

Board Member Lindsey said they're thinking that the wall or bushes get in the way.

Board Member Clift said yeah.

Board Member Lindsey is on board with that. He just really didn't understand. Thank you for clarifying.

Board Member Watts has a question. When did the alley get vacated? Do they know?

Michael Beydoun tried to go to zoning and couldn't get that information.

Steve Watripont said zoning wouldn't have that information.

Board Member Clift said if it helps, it was vacated when he lived on Syracuse back in the mid nineties. It was already vacated.

Steve Watripont believes it may have been vacated and never closed off or anything. Except the one side had partial closing.

Board Member Watts said that would be his only concern is if it was officially vacated.

Steve Watripont said it's on the plans and he doesn't think Planning said anything about. They do that research.

Michael Beydoun said they could find something from council, which they couldn't find. They said they can have an official surveyor. Somehow they had an official surveyor that did the boundary and they are the one that actually put vacated on that. Council has no records of it. They do have a title with a closed vacated alley.

Board Member Clift remembers when that gate there on Syracuse into that alley.

Board Member Watts doesn't doubt that. He grew up in the area. He knows there's always been an alley way all the way down. He was just concerned when did it get vacated.

Michael Beydoun said they couldn't give him that information. They said if the title company actually closed down, they wanted to see that. He sent that to them.

Board Member Watts said fair enough.

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

**Motion:**

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

- 1) Construct a new building 11' from the center of the alley onto the north side of property.
- 2) Construct a new building to the west property line.
- 3) Allow parking and maneuvering lanes to the east property line along Syracuse.
- 4) Allow parking and maneuvering lanes to the front property line along Eight Mile.
- 5) Waive both the required 8' wide greenbelt and 6' high concrete wall.

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

Board Member Lindsey supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Jerzy, support by Mr. Lindsey to approve the request for reasons stated in the motion.

**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 Lindsey	Yes, for the reasons stated in the motion.
Board Member Watts	Yes, for the reasons stated in the motion.
Board Member Green	Yes, for the reasons stated in the motion.
Board Member Clift	It's going to be a great project. 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	Yes, for the reasons stated in the motion.

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

### 13. NEW BUSINESS

Board Member Watts said last meeting they had a lot of discussion about moving the meetings to seven o'clock and it was yanked off the floor before they took a vote. He thinks to be uniform with the rest of the boards and commissions that meet in the evening, that seven o'clock is a reasonable thing to do.

**Motion:**

Board Member Watts made a motion to move the meetings to 7:00 p.m.; Supported by Board Member Green.



**Roll Call:**

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

Board Member Watts	Yes
Board Member Green	Yes
Board Member Clift	No
Board Member Assessor	Yes
Board Member Perry	Yes
Board Member Lindsey	He can't believe they did this to him. No.
Secretary Jerzy	Yes
Chairman Nestorowicz	No

Chairman Nestorowicz said the one thing that wasn't mentioned was when would that be starting.

Board Member Watts said the first of the year because the calendar is already printed for this year.

Secretary Jerzy said effective in January. First meeting of January.

Board Member Clift said they did elections last meeting. Also they failed to appoint their representative to Council of Commissions. Just wanted to point that out.

Chairman Nestorowicz said he did such a wonderful job.

Board Member Clift said as much as he would like to, he cannot except that responsibility. He's a little stretched thin as it is.

**Motion:**

Secretary Jerzy made a motion to nominate Mr. Assessor to Council of Commissions; Supported by Board Member Watts.

Board Member Assessor accepted.

**Voice Vote:**

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

Board Member Clift said he has to reach out to them.

**14. ADJOURNMENT**

**Motion:**

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

**Voice Vote:**

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

The meeting adjourned at 9:11 p.m.

Paul Jerzy  
Secretary of the Board

APPROVED