

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
FEBRUARY 11, 2026

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, February 11, 2026 at 7:00 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, Asst. 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
Nicole Jones, Council Office

1. CALL TO ORDER

Chairman Nestorowicz called the meeting to order at 7:00 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 Watts.

Voice Vote:

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

4. ADOPTION OF THE AGENDA

Motion:

Secretary Jerzy made a motion to move item #7 to the April 8, 2026 meeting and adopt the remaining agenda as written; Supported by Board Member Lindsey.

Board Member Watts said this has been adjourned or postponed at least two (2) times. Looking back at the records in BS&A this has been going on since May of 2022. He's been in court, he's been ticketed, and now they're going to play the shuffle game of postponing. He knows it's only two (2) months, but if he was a business in that area and had to look at that... It's disgusting. He thinks they're doing a disservice to the rest of the people by letting this continue to go on. That's his comments.

Board Member Green said trying to clean this type of item up, he's been thinking about it. It brings up a couple questions. First of all, it's been reschedule to April and he's just wondering why it's not being rescheduled to the next meeting. Is that something Mr. Watripont can answer. This particular item was rescheduled to April and he's just curious why it wasn't to the next meeting.

(Inaudible)

Board Member Green says that verifies it. Thank you. They asked for April. So, he guesses the only way to solve this problem is they need to go to their bylaws and rules. People who reschedule meetings continuously, every once in a while there's a legitimate reason. Something happened or something like that, but this isn't the case here and a lot of these situations it's not the case. If looking at that particular piece of property, he doesn't want to get into what the reason is. So, he thinks that if people, he's going to give them a chance to think about this and he'll make amotion at the next meeting. He thinks they should have their bylaws read that they can do one (1) rescheduling. The rescheduling has to be the next meeting if at all possible, based on numbers of items and whatever the situation may be. Maybe the rule should state that if they don't meet that criteria, that the item is withdrawn and they have to reapply. That might be a motivation to get people to stop rescheduling. Again, taking into consideration that it could be a reasoning out of their control, but most cases they're seeing it used as a tool. Think about how many rescheduling would be fair to a petitioner and he thinks their rules should reflect that they're going to use that number and lets say they reschedule once, the next meeting it's on the agenda they're going to move whether they're here. If they don't want that, they can withdrawn their item and reapply.

Chairman Nestorowicz asked Mr. Green to take a stab of potential rules that should be added to their bylaws, they can add it under new business for next meeting.

Board Member Green thanking him.

Board Member Cliff asked for the reason they gave for the rescheduling this time.

(Inaudible)

Board Member Cliff said no reason. They're going to change something, they don't like what they got, they're going to make a change, they're on vacation, nothing. They got nothing.

Board Member Green said this would give them a tool. That's all.

Board Member Lindsey withdrew his support from the motion.

Board Member Clift is not going to support that motion either. He thinks they should go ahead and hear it.

Board Member Green said point of order Mr. Chair. He thinks it's already pulled off the agenda.

Secretary Jerzy said he just made the motion to change the agenda.

Chairman Nestorowicz said they haven't voted on it yet.

Board Member Clift said there was no vote on pulling this off the agenda tonight. Because somebody calls and asks for a rescheduling doesn't necessarily mean they'll be granted a rescheduling.

Jennifer Pierce asked if they confirmed that it would be moved to April.

(Inaudible)

Jennifer Pierce appreciates the boards thoughts, but unfortunately this time they're going to have to grant it and they can address the rules of procedure moving forward.

Chairman Nestorowicz said they have a motion by Mr. Jerzy, support?

Board Member Lindsey withdrew his support.

Chairman Nestorowicz said he withdrew his support.

Board Member Green supported the motion.

Voice Vote:

A voice vote was taken. The motion carried (6 – 2). (Board Member Lindsey and Clift opposed.)

5. APPROVAL OF THE MINUTES – Regular Meeting of January 14, 2026 and January 28, 2026.

Motion:

Board Member Clift made a motion to table January 14, 2026 and January 28, 2026 minutes; Supported by Board Member Assessor.

Voice Vote:

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

6. PUBLIC HEARING:

APPLICANT: Global Sign and Awning
(Rescheduled from 1/14/2026)

REPRESENTATIVE: Ayad Sitto
COMMON DESCRIPTION: 13625 Twelve Mile
LEGAL DESCRIPTION: 13-12-353-020
ZONE: MZ, C-1, P

VARIANCES REQUESTED: Permission to

Retain a ground sign with an overall height of 17.4', a 9.39' under clearance; overall sign area of 96" x 96" (64 square ft.) which includes a 3' x 8' (24 square ft.) electronic message center setback 6' from the sidewalk in place of previous variance for ground signage dated 8/22/2012.

ORDINANCES and REQUIREMENTS:

Section 4A.17 – Setbacks: The following setback regulations shall apply to signs located in all zoning districts: (b) All freestanding or ground signs shall be set back from the right-of-way line a minimum distance equal to the height of the sign.

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

Section 4A.27 – Electronic Message Center: In addition to other applicable zoning requirements, a responsible party shall comply with all of the following electronic message center requirements: (b) Except a property where a business has a valid State of Michigan Motor Fuels Retail Outlet License, the digital display area of an electronic message center does not exceed 25% of the total permitted free standing sign area.

Chairman Nestorowicz said this is for everybody who comes up. When they start give name and address before doing their presentation.

Ayad Sitto, appeared before the board, stating he's from Global Signs and Awning. They represent Finesse the liquor store.

Chairman Nestorowicz asked for their address.

Jennifer, appeared before the board, stating 13625 Twelve Mile.

Chairman Nestorowicz asked if they wanted to take the board through what their request is.

Jennifer explained the pole sign is existing. It was hit by a car two (2) years ago, a little over two (2) years. There was a police report stating that. So, the sign was replaced. The digital sign was replaced because it was damaged. It was replaced with a three (3) by eight (8). Also, there was a pole sign that had two (2) lights. That pole was hit. Those two (2) lights were installed where the sign post is. Three (3) months ago there was a ticket issued to them because of those two (2) lights that were installed on the pole sign. They got hired to obtain a permit for them. When they applied for a permit prior to issuing a ticket for them. Two (2) days after they got a ticket for those lights. They had to bring down those lights. Also, the sign, the permit was not approved because they had exceeded the twenty-five (25) percent. Now they're at twenty-four (24) square feet rather than sixteen (16) square feet. So, they applied for a variance for that. Unfortunately, last meeting they did not receive a letter that there was a meeting that day scheduled for them. So, they could not attend.

Chairman Nestorowicz thanked her 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 and turned it over to the board for questions and discussion.

Secretary Jerzy said regarding the sign, he doesn't have a problem with the initial sign that was there. He does have a problem with the LED they did install without a permit. He does also take exception to the lights they put on the side of the building, which is a separate issue. That's probably a site plan issue. He thinks it causes tremendous amounts of light pollution. He thinks the LED display they currently have on the sign is too bright and doesn't fit their ordinance, as well as on top of it being out of spec. It's way too bright and the brightness is a factor as well. That liquor store has been there forever. He doesn't think any additional signage other than what they have on the building and on the pole sign is needed. That's his opinion and he yields the floor.

Board Member Lindsey would echo some of the same comments. When they look at the signs, they don't have any issues with the sign itself, the size of it, really the setback or anything like that. He has an issue with the LED as well. He doesn't see that there's an unreasonable impact or burden to maintain compliance with the ordinance here. It's clearly self-imposed. There is nothing unique about the property that they would need additional signage with LED and things like that. He does think it's going to be a detriment and clearly the reason for an LED sign is going to be economic. He doesn't see any reason why they should approve this. There is no reason they need a variance here. He yields.

Board Member Watts has a couple questions. The sign was hit and it was sixteen (16) feet. When it was replaced it went to twenty-four (24) foot? Is that what she said?

Jennifer replied yes. It was two (2) by eight (8), now it's three (3) by eight (8). They lowered the brightness when they mentioned it to her. She called them and they did lower it. They're talking about an existing sign. Like two and a half years. It's not like they're installing it right now.

Board Member Watts asked her to hold on. When the sign was replaced after the accident. Was there a permit pulled to replace that?

Jennifer replied no, because their insurance company replaced that. It's the same frame, they did not touch the frame. It was just inside that frame.

Board Member Watts asked Mr. Watriont if there was a permit required to replace it.

Steve Watriont replied yes, there is always a permit required for signage in the City of Warren. Any changes, anything like that, they usually work with them under the situation. But there wasn't a permit pulled at all.

Board Member Watts said they have a permit issue that wasn't followed. Then they increased the size of the sign, and then at some point along the last year they added those two (2) humongous spot lights that were blinding everybody on Twelve Mile.

Steve Watripont said correct.

Board Member Watts said plus the LED was too bright.

Steve Watripont didn't measure that, but it appeared to be.

Board Member Watts has a problem with not getting a permit to replace it, then increasing the sign, then come in here and plead a hardship. He thinks what drew a lot of attention to it was the spotlights that were put on top that were blinding people a half mile down Twelve Mile. Yes, he happened to come by and see it too. He goes by that way everyday and he knows they were just put up. So, it's too much for the neighborhood. It's blinding people on Twelve Mile, it's blinding people across the street, the homes over there, the homes behind it, the homes next to it to the east. Then to put up a sign without a permit, he just has a problem with that. People coming in and crying that they didn't know. He's going to be a no vote on this.

Jennifer stated she has three (3) police reports that there was a theft in that area. That's why those lights were there. When the post was hit they didn't allow them to put up...

Secretary Jerzy said ma'am...

Board Member Watts said he's not going to argue.

Chairman Nestorowicz said it's not a question. He doesn't know if Mr. Watts has a question for her.

Board Member Watts is not going to argue the point about what the police reports or it got hit. He understands that and does he feel bad, yeah he does, because it costs money. But to not get a permit and follow the city ordinance, then to increase the size of the sign and create the problem, that's not the boards fault. That's the business owners fault. Or if they did the sign for not following the city ordinance. That's the end of story and he's not going to debate it with her.

Chairman Nestorowicz thanked Mr. Watts and asked for any other questions or discussion.

Board Member Green asked which part of this request... His understanding is they're going to allow them to retain the overall main sign.

Secretary Jerzy would be in favor of retaining the current sign that's there and losing the LED component on that sign.

Board Member Green would be in favor of that.

Secretary Jerzy has a quick follow up question to Steve. Going through the packet and looking, is there a variance granted on that sign? The pole sign, the 17.4.

Steve Watripont explained there was a variance before. He believes the actual signage minus the EMC was the same size. That previously had a variance. He was trying to do that research before he asked the question and he hasn't gotten there, but he believes that's what it was from prior.

Secretary Jerzy is looking at the variance granted on 8/12/1998.

(Inaudible)

Jennifer asked if she could say something.

Chairman Nestorowicz said only if there is a question directing towards her at this moment.

Board Member Green had one more question.

Secretary Jerzy yields the floor.

Board Member Green said it looks like in reference to a permit in 2023. It looks like a permit was required and they got the permit. Was it their understanding then that when they got the permit in 2023 because the sign was only damaged they didn't have to get another permit.

Jennifer explained she was just hired right now because there was a violation sent to them. Their insurance company was the ones that replaced that sign. That's why she's following up right now. She already drove around, and there are other signs less than a quarter mile from them that have seventy-five (75) percent of their sign area.

Board Member Green said the only problem with that...

Jennifer said this sign is existing. As she said, they're not just putting something new.

Board Member Green said she can get up, everybody can get up there and say there's a lot of examples in the City of Warren of what they're trying to do. That's an understandable argument, but it doesn't really hold a lot of water. Just because everybody else has it, doesn't mean that someone else can have it.

Jennifer said that's why they applied for the permit.

Board Member Green understands that. That's why he's giving her an opportunity to say that. He appreciates that. He can see where it gets confusing. That was it. Thank you. Back to his yield.

Chairman Nestorowicz thanked Mr. Green.

Board Member Cliff is following in the footsteps of the Secretary's comment. It looks like that variance granted in August of 1998 covers everything that's there except for the increased square footage of the message board.

Board Member Green said '98.

Board Member Cliff said August 12th of '98. He's going to read that. Finesse Food Store granted permission to add a three (3) foot by eight (8) foot (24 square foot) panel to an existing six (6) foot by eight (8) foot (48 square foot) ground sign erected in a P zone, seventeen (17) feet high,

no less than four (4) feet from the sidewalk with an eight (8) foot under clearance. They requested seventy-two (72) square foot Zoning Board of Appeals approved in '63. Forty-seven (47) square foot ground sign, sixteen (16) foot eight (8) high, four (4) feet from the sidewalk. How does that match up. They're .4 feet taller and 9.39 foot under clearance. So it sits higher, the under clearance is a one and a third foot higher. The overall height of this sign is a half a foot taller than what the variance granted in '98 talks about. Sign area ninety-six (96) by ninety-six (96), which is sixty-four (64) square feet. That appears to be...

Board Member Green said it's the same.

Board Member Clift said he's not (inaudible) over a half of foot. His issue is with the addition of the LED message board that exceeds the allowable limit by permit. He just wanted to point that out. He yields.

Secretary Jerzy said to Steve, the initial sign for Finesse. Was that one damaged during this traffic accident, they replaced that sign. Lets see if he has this whole store straight. The accident takes out the sign, they put a new sign up without a permit. Correct? The sign is a little bit out of whack from the current variance that's granted. It's close, but it doesn't seem to be exact.

Steve Watripont said the current variances is the one from 2012 that allows for eighteen (18) feet with a ten (10) foot under clearance.

Secretary Jerzy said that would have been for the old sign.

Steve Watripont said the previous sign prior to the accident. They weren't notified there was an accident or anything there that caused it.

Secretary Jerzy questioned if they grant... So, if he put a motion together, he would put a motion together to retain the ground sign with an overall height 17.4 feet, a 9.39 foot under clearance, overall signage area of 96 inches by 96 inches, equaling 64 square feet. Then rescind the one for 8/12/1998 to clear up the books so there is no confusion going forward. Would that make sense?

Steve Watripont said that would...

Secretary Jerzy stated it would take away that variance for that dimension of sign and create a new dimension for the current sign that is on the property.

Steve Watripont said if that's what the board does, that's what the board does. Whatever stipulations the board puts on there would be fine, too.

Secretary Jerzy asked if that wouldn't impact the current sign that's there, because they put a new sign.

Steve Watripont said current static sign.

Board Member Clift said they would have to get the square footage and percentage of the LED.

Secretary Jerzy said they would just eliminate the LED board. Just grant the sign. Cut it off at that.

(Inaudible)

Jennifer Pierce said the variance from 2012, which Mr. Watriont said was the current one.

Secretary Jerzy asked from 8/22/2012, right.

Jennifer Pierce replied yes.

Secretary Jerzy wants to think on this and yields the floor for a second.

(Inaudible)

Board Member Green said while he's thinking. The LED sign was approved on 8/2012.

Chairman Nestorowicz said for sixteen (16) feet.

Board Member Green said right now it's...

Chairman Nestorowicz said they're asking to go up to twenty-four (24).

Board Member Green asked if right now it's sixteen (16).

Chairman Nestorowicz said the new sign is at twenty-four (24), but they were only approved up to sixteen (16). He asked Mr. Watriont if he had a comment.

Steve Watriont explained if the board did not do anything and left the previous variance the way it was, if they shrunk the EMC, the under clearance would grow at that point with his calculation and he would fall under that 2012 variance.

Board Member Watts wants to clarify something here, just for the heck of it. The LED board was added underneath the other sign. Is that correct?

Jennifer said in the same frame, yes.

Board Member Watts said the original sign was just above the LED board. Is that correct?

Jennifer explained it's one (1) frame that has the original sign on top, and the message board was on the bottom. Now it's the same, just that size of that message board had changed one (1) foot. It's the same frame, nothing has changed.

Board Member Clift asked when the sign was damaged in the auto accident, he's trying to account for the difference in the under clearance. Was there anything taken off of the posts? Were they shortened?

Jennifer replied no.

Board Member Clift asked just re-erected?

Jennifer replied yes.

Board Member Clift thanked her.

(Inaudible)

Board Member Lindsey said just the thought that he's having is rather than trying to figure out how they can work this new variance, he doesn't know why they can't just deny the variance requested and allow them to operate under the existing variance. That's kind of where he's at now. Instead of trying to finagle to make the sign fit what's there, they have a variance granted. Instead of requesting to get a new variance, use the variance that's already existing. He's prepared to make the motion.

Motion:

Board Member Lindsey made a motion to deny permission to retain a ground sign with an overall height of 17.4', a 9.39' under clearance; overall sign area of 96" x 96" (64 square ft.) which includes a 3' x 8' (24 square ft.) electronic message center setback 6' from the sidewalk in place of previous variance for ground signage dated 8/22/2012.

Reasons being: Detriment to the area; No unreasonable impact or burden to maintain compliance; Self-imposed; Property is not unique.

Secretary Jerzy supported the motion.

Board Member Green said clarification. What does that do the LED sign. Is it gone?

Board Member Lindsey said they would be able to operate under the current variance.

Secretary Jerzy said they would be able to operate under the variance that was granted.

Board Member Green asked if that's the sixteen (16).

Board Member Lindsey said yeah, the variance from 2012.

Chairman Nestorowicz said they have a motion to deny by Mr. Lindsey, support by Mr. Jerzy for the reasons stated in the motion. So, it would be a yes vote to deny. With this motion the existing sign would be fine to just (inaudible) the LED.

Jennifer Pierce believes the variance for the previous under clearance was ten (10) and this is 9.39. They're going to have to make a few modifications, yes.

Chairman Nestorowicz said it would 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. |
| Secretary Jerzy | 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 Green | 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 Watts | Yes, to deny for the reasons stated in the motion. |
| Board Member Perry | Yes, to deny for the reasons stated in the motion. |
| Chairman Nestorowicz | Yes, for the reasons stated in the motion. |

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

Chairman Nestorowicz said they can work with Mr. Watriont to make sure the sign gets into within the existing variances that were granted back in 2012.

7. PUBLIC HEARING:

APPLICANT: Joseph Tringale

(Rescheduled from 11/12/2025)

REPRESENTATIVE:

Same as above.

COMMON DESCRIPTION:

22755 Groesbeck

LEGAL DESCRIPTION:

13-35-201-003

ZONE:

M-2

VARIANCES REQUESTED: Permission to

- 1) Allow 8,044 square ft. of open storage when the gross floor area of the primary structure on the site is 1,800 square ft.
- 2) Waive the requirement that open storage areas shall be screened from public streets for the open storage areas indicated as areas B, C and D on the site plan.
- 3) Allow open storage to the north and east property lines.
- 4) Allow a 15.20' wide two-way maneuvering lane behind the building along the west property line.

ORDINANCES and REQUIREMENTS:

Section 17.02 (s) – Industrial Standards: ... The designated area shall always be hard surfaced and screened from the public street and any residentially zoned areas... Further, the designated area may not exceed fifty (50) percent of the gross floor area of the primary structure on seventy-five (75) feet to the front property line...

Section 4.32 (I) – Off-Street Parking Requirement: All spaces that abut a continuous curb required in accordance with Section 16.07 of this Ordinance or a common property line shall be laid out in the following dimensions, including off-street maneuvering lanes: 20' maneuvering lane required.

This item was rescheduled to April 8, 2026 during the adoption of the agenda.

8. PUBLIC HEARING:

APPLICANT: National Construction Rentals -USE-

(Rescheduled from 1/14/2026)

REPRESENTATIVE:

Mark Royer

COMMON DESCRIPTION:

22586 Ryan

LEGAL DESCRIPTION:

13-32-101-013

ZONE:

MZ, M-1, R-1-P, R-1-C

VARIANCES REQUESTED: Permission to

- 1) Install a temporary 12' high wire fence with windscreen, inside of the concrete wall along the east property line to provide visual relief until green space matures for a period of 1 year from the time of planting.
- 2) Exceed the allowed 445 square ft. of open storage to a property that has a 890 square ft. primary structure by 15,072 square ft. for a total of 15,517 square ft. of open storage with 14,658 square ft. of it to be stored on a non-hard surface.
- 3) Allow open storage in the east 125' of the property which is zoned R-1-P and R-1-C on a non-hard surface. **USE**
- 4) Retain a 24' x 315' gravel maneuvering lane on the east side of the property.

ORDINANCES and REQUIREMENTS:

Section 4D.32 – Specifications for Residential Areas: All fences in residential areas shall be of an ornamental type. Fences in residential areas shall not exceed four (4) feet in height and may be constructed of either metal, iron, chain link, wire, ornamental aluminum, vinyl or solid material construction such as wood, brick or masonry, except privacy fences allowed as provided in Section 4D.33 may not exceed six (6) feet in height.

Section 17.02(S) – Industrial Standards, Open Storage Other Than Junk: ... the designated area shall always be hard surfaced... the designated area may not exceed fifty (50) percent of the gross floor area of the primary structure...

Section 7.01 – Uses Permitted: Open storage is not a permitted use in R-1-C zoning districts.

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

Section 4.32(K) – Off-Street Parking Requirements: ... shall be hard surfaced with concrete or plant-mixed bituminous material (base may be stabilized gravel or equivalent) ...

Chairman Nestorowicz said to the petitioner, before they begin with name and address, he noticed this is a use variance. They are down one (1) board member. So, the use variance normally needs to have six (6) yes votes instead of the five (5). So, he wanted to give them the opportunity to wait to be heard by a full board, reschedule them or proceed as is.

Mark Royer said they'll try to go forward. He stated his name and that's he's with National Construction Rentals concerning the property at 22586 on Ryan Road. The Zoning Board of Appeals five (5) items that were read that they're looking to have approved. He'll be happy to take any questions.

Chairman Nestorowicz thanked him. This is a public hearing. Is there anyone in the audience wishing to talk on this item?

No response.

Chairman Nestorowicz closed the public portion and turned it over to the board. Oh! There's an impact statement, if Mr. Jerzy can read that in.

Secretary Jerzy thanked the Chair. It's from Ron Wuerth, the Planning Director.

"After review of the request, no issues were found to impact the abutting, local or general public. The petitioner received Site Plan approval with conditions for open storage of fencing materials on November 17, 2025. Their site plan indicates that

in the rear of the property, along the east property line, a 6 ft. high brick embossed poured concrete wall will be provided, as well as four (4) northern white cedar trees (evergreens). The new screening, as well as a temporary 12 ft. high panel fencing with windscreen inside of the concrete wall to provide visual relief as the trees grow in, should sufficiently screen the proposed storage from the residential properties to the east.”

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

Board Member Green has just a curiosity question because they see this a lot. When they purchased the property, what gave the purchaser the idea that the property was in compliance. It says the belief was that it was in compliance.

Mark Royer said the owner of the property that they purchased it from was running a concrete operation out of that location. That’s how they assumed that the normal storage area would come with the property.

Board Member Green said on the surface, the twelve (12) foot wall to cover the other wall to cover the green belt stuff. He would be curious to see what other board members would have to say about that. The only other question he has then is, it says in the backup the owner has agreed to additional conditions to satisfy neighbors at his own expense. What are...

Mark Royer explained those are the ones that were read. That’s what they had come to with the neighborhood.

Board Member Green asked that it is nothing more than the twelve (12) foot fence.

Mark Royer said greenspace, the brick, the twelve (12) foot high wind screen, fence panels while the greenspace grows in.

Board Member Green thanked him.

Board Member Watts is going to be right off the gecko, there is no way he’s voting for a twelve (12) foot wall; temporary or not. That’s ridiculous. If that was behind his house he wouldn’t want to look at it. Going back to something else he said, he knows National Fence is a pretty large company, wouldn’t they have thought before buying the property to move in there to find out if they fit all the ordinances or not.

Mark Royer explained they went through the permitting process with the City of Warren. They came out with a list of things that need to be addressed via site plan. They started going through the site plan and worked through that process with the committee. Then said they need to go get the zoning issues addressed.

Board Member Watts said if he reads this correctly, he didn’t have a C of C and he only applied for the C of C once they had a complaint that they were there.

Mark Royer said no, they went through the inspection process from all the different departments at the City of Warren, and that's what brought them to that point. When the public hearing came up by the site committee is when one of the neighbors had some concerns. Then they worked with that neighbor and one of the issues that she had requested was that twelve (12) foot high temporary fence while the foliage grows in.

Board Member Watts yields.

Chairman Nestorowicz has a question. He just wants to make sure he understands it. There's going to be a six (6) foot high poured concrete wall installed.

Mark Royer said that is correct.

Chairman Nestorowicz said this twelve (12) foot fence would be on the inside of that.

Mark Royer said that is correct.

Chairman Nestorowicz said to provide the screening until the trees actually grow.

Mark Royer explained that is what they requested and what they met.

Secretary Jerzy said with the buffer, with the wall and added greenspace, how much of a buffer does that create between the property line with the residential behind them.

Mark Royer is estimating sixty (60) feet.

Secretary Jerzy said it's significant. It's not twelve (12) feet or ten (10) feet. That's where they're going to start from that point on, their open storage from that point on. Thank you, sir. He yields the floor.

Board Member Green has a follow up on that. From a cost standpoint for his business, does it make sense to put mature trees in that are bigger at the gecko, and then not have a twelve (12) foot fence. If they put twelve (12) foot trees in. If that's a stupid line of question, help him out here. Does he see what he's saying?

Mark Royer understands what he's saying, they're just going off what the city had requested of him.

Board Member Green asked the city requested the greenspace.

Mark Royer said yes.

Board Member Green asked if it would make more sense to put bigger greenspace pieces in there.

Mark Royer can certainly look at it and do a cost comparison.

Board Member Green said then they wouldn't have to put a twelve (12) foot fence. They

recently have been beating around this thing where anything over the ordinance on fence height, they're trying to stay away from; temporary or not. It just so happens to be that time. That would be something he would think about, to be honest with him. Thank you.

Board Member Cliff asked for the greenbelt, what kind of trees or shrubs are they going to put in there. He's very curious what's going to grow taller than six (6) feet or so within a year.

Mark Royer said it's all in the site plan, sir, that they've submitted. They listed the required...

Board Member Cliff said ok, cedars. That request came from the adjoining property neighbor about the temporary twelve (12) foot, for better words, temporary screening.

Mark Royer explained the twelve (12) foot screening was part of their request, yes. It isn't the neighbor that's behind them though. It was a neighbor that was ten (10) houses up the road.

Board Member Cliff said interesting. He's just going to express some feelings here. He kind of likes the idea that they're trying to do something to provide some relief from the neighborhood to having to look at the back storage area for, more or less, a commercial operation in a residential neighborhood. He is not a fan of granting use variances on property that's surrounded by, on a R-1 or R-2 district zoned piece of property, or surrounded by those as well. He's a little conflicted in his stance and how he's going to vote on this. He thinks it's a good presentation. He thinks he is genuinely trying to work with the neighborhood to meet their expectations, but one of the things he has to worry about is who is going to come in after him and what are they going to do, if they set this precedent on that R-1 zoned piece of land. He knows that whole area on Ryan Road has got some mixed stuff in there up and down through there. He's curious to listen to some of his other board members feelings. He'll yield the floor. Thank you for the answer, sir.

Board Member Lindsey has some comments. He doesn't know if they're going to be helpful, because he's kind of stuck here, too. He doesn't think what the petitioner is asking for is overly crazy. They look two (2) properties down and it's an absolute disaster what's going on that property. He thinks it's one of those issues. Is this area even zoned the way it should be? With all the stuff going on around it in an industrial type setting. He shares the sentiment of approving a use variance and seeing that in the future get out of control. It's probably his main hesitancy. You know, the temporary fence, twelve (12) feet is high so he's not really in favor of that either. He would just plant bigger trees. They're talking about one hundred and fifty dollars for an eight (8) foot arborvitaes. It's not an overly expensive request there. He would be scared to see the thirty (30) dollar trees get put in and it takes fifteen (15) years for those things to grow. Then they take the sign down and they're not actually providing an cover for the neighbor. He's stuck. He doesn't know how he's going to vote. He welcomes any other comments, too.

Board Member Cliff would like to piggyback on that if he can. For the amount of greenspace buffers that have come before this board to be approved in lieu of this or in lieu of that, and there's a few right on Ryan Road not too far from this property. Seems

like for every ten (10) arborvitaes that get planted, seven (7) of them are dead in a year and they're not replaced. He has a problem with that. Of course that goes back to enforcement. If people aren't catching it, they can't tell a brown tree from a green tree and go in there and say they have a bunch of dead stuff that they agreed to maintain and needs to fix it. He guesses that what it is, but the track record for these arborvitaes as of late has been very good. He drives that stretch of road everyday to and from work. He's just watching them die off one by one over a period of a few months here, few months there. They're not in the ground that long, maybe a month or two months. Same thing on Ten Mile Road just east Mound Road. That greenbelt has a lot of issues going on in there, too. Truth be told, he has real problem with the use portion of this variance. He likes the idea he's willing to put a twelve (12) foot screening fence up, because he lived next to some stuff and he wishes he had a twelve (12) foot fence up sometimes so he didn't have to look at some things. He knows a lot of them look down the nose on that, but if people are requesting it and they kind of want that, he would take that into high consideration. He wishes there was a letter or the resident who requested that would've been here in the audience to speak on that this evening. He doesn't take a lot of stock in the hearsay of what they agreed to with the neighbors or didn't agree to with the neighbors, when he doesn't have anything in his packet to kind of support that. He'd rather they submit a letter or show up. With that, he'll yield the floor.

Chairman Nestorowicz wants to piggyback to Mr. Cliff's comment. He would actually say, he likes the face that this petitioner is trying to work and alleviate the concerns of the neighbors were. There's nobody here complaining about them, which is a good sign, and it does fit what their Planning Department had wanted. He only wishes that some of the other neighbors of the industrial properties on that street would actually do the same kind of stuff, because some of them are a mess.

Board Member Green said he'll be quick. He thought about this a lot the last month. When he talked about the rescheduling, they're going after the rescheduling the wrong way. They need to change their rules and then apply the rules. This is a perfect example. They bring up zoning, multiple zonings on one piece of property. This is a zoning issue. Now he knows to rezone is quite the process, but it's not something they have created. In the south end particular, the multiple zonings in one piece of property sometimes is hard to keep track of. This is really not created by the petitioner, or a neighbor, it's created by zoning. Things are not zoned properly, so something that would be a regular variance ends up being a use variance. Can this piece of property be used as it's zoned. Well, he guesses in theory it could be, but realistically it can't be. So, he's going to vote yes on this. He would hope that the motion maker would say no twelve (12) foot fence, because that was a neighbor wish. Not that they don't listen to the neighbors, but put in taller trees. It just makes sense to him. That's his thoughts. He just wanted to say that. He's going to support the variance.

Board Member Lindsey has one quick comment before any motions are made, and maybe this is more of a point of order, because they're hearing this topic now, but he thinks the board has seen this. They've had conversations around it, you know, they get stuff from the Planning Department that says no issue with the surrounding neighborhood. They're talking for twenty (20) minutes about all the potential issues. Then it's up to the board to grant a variance. Again, it's just a point of order. They're in the situation that

they're in, but this makes no sense to him that the city is approving these businesses to come in to do these things and then saying there's no issues at all for the abutting region. He means, they're talking about open storage behind a house. That's an issue. It's obvious that's an issue. That's his comment. Feel free Mr. Green if he has a motion.

Secretary Jerzy has a quick question for the petitioner. Either side of the business from north to south. Those houses occupied?

Mark Royer replied yes they are.

Secretary Jerzy said the one two (2) down, because there's three (3) houses there. He's assuming the one that's on the Zuniga property is just a business, house, whatever. So they have the two (2) on the other side of him and then the other one two (2) down. So those are all occupied.

Mark Royer replied yes.

Secretary Jerzy said here's the problem. Even if they do zone this, it goes right back to what Mr. Lindsey was saying. It's a zoning issue. Who in the hell would buy a house right there. He means buyer beware, but if they're going to start doing commercial setups on R-1-C's and R-1-P's and bounce them. He would like to see a lot combination and not a residential house stuck between two (2) commercial properties. That's the first problem he's got. Secondly, this whole thing, if they wanted to do it right and just make that whole area one big commercial zone. Find those people some place to live and then make that one big zone. Now they're going to run into the problem again when the other properties get developed into this. Like Mr. Lindsey said, if they could have just made that all one big... They've done that before in this town. They bought up a neighborhood to put a business in. Mr. Watts is very aware of that, back in the south end at Hoover and Nine Mile. What are they doing? He doesn't have a problem with his plans, sir. He thinks it's a great plan. From a city aspect, what are they doing? They got commercial, residential, now commercial with hopefully he keeps the lot as pristine as it looks on this overhead and doesn't look like the one two (2) doors down. He's literally scratching his head here. He doesn't know... He's not against it like Mr. Green said, but they have to do better. How is this not brought up in Planning. Why are they putting this in when they have three (3) residences right there. More disturbing they didn't even show up to speak on their own behalf. Again, he'll probably get behind this, but he cautions the city with doing projects like this going forward. He yields the floor.

Board Member Watts wants to clarify something. Which neighbor said they were good with twelve (12) foot high fence. He wants to clarify what he said.

Mark Royer said the neighbor who had requested the twelve (12) foot high fence is on Logue Road, and they're about ten (10) residences to the north.

Board Member Watts said they're not right behind him.

Mark Royer said nope. On information they provided, mailings, and had an open meeting at the library for any other feedback from the neighborhood. That one person was the

only person that was really...

Board Member Watts didn't check the addresses behind there. They may be rentals, that may be why. He agrees with everything that was said here tonight. He knows this area for years and years and years. Here's where he's at. If they would have went to the city before they purchased the property to find out if they could do this there, they wouldn't even be here asking this because the city would've told them no they can't do that. That's what boggles his mind. They buy it for their business and then they move in, then they find out there's a problem, and then here they are giving a whole bunch of variances that could effect the rest of the neighborhood. On top of what everyone else has said. There's other issues, but he can't get behind this at all. He yields.

Chairman Nestorowicz asked for any other questions, discussions or motions.

Board Member Green will make a motion and see where it goes.

Motion:

Board Member Green made a motion to approve the variance requested to:

- 2) Exceed the allowed 445 square ft. of open storage to a property that has a 890 square ft. primary structure by 15,072 square ft. for a total of 15,517 square ft. of open storage with 14,658 square ft. of it to be stored on a non-hard surface.
- 3) Allow open storage in the east 125' of the property which is zoned R-1-P and R-1-C on a non-hard surface. **USE**
- 4) Retain a 24' x 315' gravel maneuvering lane on the east side of the property.

Allow a six (6) foot concrete wall along the east property line with plants and foliage to block neighboring houses.

Board Member Green asked if that is worded right.

Jennifer Pierce doesn't believe they need a variance for the greenspace. If they wanted to do two (2) motions to approve 2, 3, and 4 and then a separate motion to deny the twelve (12) foot fence. She thinks that would probably be clearer.

Board Member Green said his motion would be to include 2,3 and 4.

Reasons being: Can't be used as zoned; Not a detriment.

Jennifer Pierce said that's what she just said, yes.

Motion:

Board Member Green made a motion to separate items 1 from 2, 3 and 4; Supported by Mr. Lindsey.

Voice Vote:

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

Chairman Nestorowicz said now Mr. Green, the original motion would be approving of 2, 3 and 4.

Board Member Green said not a detriment and can't be used as zoned.

Secretary Jerzy supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Green, support by Mr. Jerzy to approve items 2, 3 and 4 for the reasons stated in the motion. Roll call.

Roll Call:

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

| | |
|-----------------------|---|
| Board Member Green | Yes, for the reasons stated in the motion. |
| Secretary Jerzy | Yes, for the reasons stated in the motion. |
| Board Member Assessor | Yes, for the reasons stated in the motion. |
| Board Member Clift | No, opposes the use portion of that proposal. |
| Board Member Lindsey | No, thinks the use variance is a detriment to the area. |
| Board Member Perry | Yes, for the reasons stated in the motion. |
| Board Member Watts | No, thinks it's a detriment. |
| Chairman Nestorowicz | Yes, for the reasons stated in the motion. |

The petitioner's request for items 2 and 4 were **APPROVED** as written. Request for item 3 failed, therefore, **DENIED** as written.

Chairman Nestorowicz said items 2, 3 and 4 were approved. Then is there a motion...

(Inaudible)

Chairman Nestorowicz said yes?

Secretary Jerzy said he needed six (6) and he got five (5). So it did not pass.

Board Member Lindsey asked if they need to make a motion to deny and vote on that, or does it just not pass.

Secretary Jerzy said since they separated they should still take a vote on number one. Anybody want to make a motion.

Motion:

Board Member Green made a motion to deny the variance to:

- 1) Install a temporary 12' high wire fence with windscreen, inside of the concrete wall along the east property line to provide visual relief until green space matures for a period of 1 year from the time of planting.

Reasons being: Detriment to the area.

Board Member Watts supported the motion.

Chairman Nestorowicz said there's a motion to deny the twelve (12) foot high screen by Mr. Green, support by Mr. Watt's for reasons stated in the motion. Roll call.

Roll Call:

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

| | |
|-----------------------|---|
| Board Member Green | Yes to deny. |
| Board Member Watts | Yes, to deny based on the reason on the motion. |
| Board Member Lindsey | Yes, to deny for the reasons stated in the motion. Also add it's not necessary. |
| Board Member Clift | Likes the idea, votes no. |
| Board Member Perry | Yes, to deny for the reasons stated in the motion. |
| Secretary Jerzy | Yes, to deny for the reasons stated in the motion. |
| Chairman Nestorowicz | Yes to deny. |
| Board Member Assessor | Yes, to deny for the reasons stated in the motion. |

The petitioner's request for item 1 was **DENIED** as written.

Chairman Nestorowicz told them to work with Mr. Watripont for next steps.

Jennifer Pierce said just so they're clear. 1 and 3 were denied. 2 and 4 were approved. Yes?

Steve Watripont believes the portion that's not a part of the storage would be allowed. He can go up to that number for open storage that's not in the R-1-C or R-1-P. He believes some of it does go into that area.

Board Member Lindsey said just so he understands. Those two (2) get approved because there's five (5). Understood.

Chairman Nestorowicz thinks they're good to go and continue.

- 9. PUBLIC HEARING: **APPLICANT: Julian Djordjeski**
- REPRESENTATIVE: Same as above.
- COMMON DESCRIPTION: 22815 Le Fever
- LEGAL DESCRIPTION: 13-32-102-019
- ZONE: R-1-P

VARIANCES REQUESTED: Permission to

Construct a second floor addition to a residential dwelling with a non-conforming front setback that is no closer than 24' to the front (east) property line and the existing front porch no closer than 15' 3" from the front (east) property line.

ORDINANCES and REQUIREMENTS:

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.

Julian Djordjeski appeared before the board stating he is there today for the variance that was requested. He also applied for the building permit and they told him he has to come for the variance. Which is why he's here tonight. The existing setback right now, as is, is twenty-four

(24) feet. Which the new build for the second would also stay existing. The house isn't moving forward at all. There's an actually an existing second story as is now, but the interior is a pitch. It's like a bungalow style; has a cathedral type ceiling. They're planning to make it more functional for the family and add a couple bedrooms and open it up more. The front setback is staying the same, it's not moving forward at all.

Chairman Nestorowicz thanked him for the explanation. This is a public hearing. Is there anyone else 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 questions and discussions. He wants to make sure, because it's a single family home currently. It's going to remain a single family home?

Julian Djordjeski replied yes. Right now it's a two (2) bedroom, so the upstairs is just like an open loft area. The plan was to add three (3) bedrooms, another bathroom, and just to open it up. The ceiling goes from three (3) or (4) foot to the eight (8) or nine (9) foot in the pitch. They want to make it the same all eight (8) foot, everything. Open it up. Make it more functional. They have a couple family members and stuff like that.

Chairman Nestorowicz likes the plan, because setbacks existing as it is and it actually enlarges the house and makes it more livable.

Julian Djordjeski said exactly. The house was built in 1953, so that's seventy (70) years. Something that none of them can control.

Secretary Jerzy doesn't see anything wrong with this proposal. Nothing really stands out. He thinks it would increase the value of the house and probably increase the values of the houses in the neighborhood as well. Once the addition is put on and it gets resold at some point in the future. He thinks this is a good request, and can get behind it. Anybody else has anything else to say.

Board Member Lindsey said his only concern, which the petitioner answered, that this isn't turning into a two (2) person family home. He's fine with the single family, enlarging the property, too.

Board Member Watts said that's his concern. He's looking at the blueprint or drawing here. He's looking at the second floor and it surely looks like a second floor apartment to him.

Julian Djordjeski said it's staying a single family home, sir. The whole floor plan on the lower level is staying the same. They're just adding the rooms and opening it up like he was saying. It's still a single family and everything. It's not converting to anything else.

Board Member Watts said the other thing is he drove around the neighborhood. He looked at what he's proposing here. It doesn't fit. It's not going to fit to the neighboring homes. He has a concern about that, too. That should be a detriment to the other neighbors. Building it like this, with all due respect, he understands what he's saying, but if he sells this house in six (6) months

after they do this. There's nothing to stop the other one from turning it into a rental. That would be like a duplex in the neighborhood or apartment building. That's not right to the neighbors. They have to do what's right for the whole neighborhood. He has a concern with this. At this point, unless someone can convince him, he's going to be a no vote.

Board Member Green asked what the two (2) pipes are that come out of the side of the building.

Julian Djordjeski explained there's a wood burner in the basement right now, which the homeowner wants to actually remove. That wouldn't even be there. As of now, there is a wood burner in the basement.

Board Member Green said interesting.

Secretary Jerzy said if nobody else has any comments he's prepared to make a motion.

Motion:

Secretary Jerzy made a motion to grant permission to:
Construct a second floor addition to a residential dwelling with a non-conforming front setback that is no closer than 24' to the front (east) property line and the existing front porch no closer than 15' 3" from the front (east) property line.

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 the reasons stated.

Roll Call:

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

| | |
|-----------------------|--|
| Secretary Jerzy | Yes, for the reasons stated in the motion. |
| Board Member Assessor | Yes, for the reasons stated in the motion. |
| Board Member Lindsey | 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 Watts | No, detriment to the neighborhood. |
| 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.

- | | |
|----------------------------|--------------------------------|
| 10. PUBLIC HEARING: | APPLICANT: Albert Tiano |
| REPRESENTATIVE: | Same as above. |
| COMMON DESCRIPTION: | 32433 Cambridge |
| LEGAL DESCRIPTION: | 13-02-131-015 |
| ZONE: | R-1-B |

VARIANCES REQUESTED: Permission to

Retain the widened portion of driveway 9' from the edge of the garage towards the north property line in the front yard.

ORDINANCES and REQUIREMENTS:

Section 4.06 – Yard Use: No part of any required yard, except a rear 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.

Albert Tiano appeared before the board stating his address. He's here to express his hardship about removing his nine (9) foot extension on the right side of his driveway, which has a four (4) foot greenbelt on the property line.

(Inaudible)

Chairman Nestorowicz asked if he has anything else he wants to say about his request.

Albert Tiano did his best to take the correct steps of going to the city. He talked to a lot of people from zoning and got a lot of good information. He was told that he could do eighteen (18) inches without a permit to the front door. He can't go any farther than eighteen (18) inches. After that it just gets into the front yard. On the other side he was told, in a little packet he put together, there is pictures of his driveway, but on one of them it's about 1, 2, 3, 4, 5, 6 pages in. He took this to the zoning board and took a lot of stuff in because he didn't want to be in this situation. He had written on here, and he knows it looks tacky, it shows eighteen (18) inches this way, and then he said three (3) feet off the property line. He did four (4) to be safe. He did look for guidance from the city being a resident of Warren and it's what he was told after the job was completed then caused problems. He's asking to keep it because it would be a hardship on ripping it out, the expense. Other driveways in his neighborhood, they're very similar. They are a bus route; they have SMART busses that come down their street. His neighbors property, can't park behind their driveway because the street is wide, it's just with everyone having a pickup truck and third row SUV's and kids, it's hard to park behind someone's driveway without backing into someone's car. It has happened. In the thirty (30) years he's lived in Warren; he's lived here his whole life. He's owned two (2) houses in Warren. He's just asking to be able to keep his driveway. He did have someone from the city walk his whole property with him and sign off on it. He doesn't know exactly what the correct steps would be in the boards terms, but he thought as a citizen of Warren he was doing the correct things. He's just asking to please let him keep his driveway. This is his father.

Chairman Nestorowicz said he has to state his name and address.

Albert Tiano Junior appeared before the board stating his son is a third. He lives directly across the street. Albert owned a home on Adams for four (4) years in Warren and stayed there for five (5) years, four (4) or five (5) years and then bought this house from a neighbor he used to shovel the driveway and do everything for him. Anyways, they did go to the city, to the Building Department. Building Department directed them to Engineering Department. Engineering Department approved all this. They did the right procedures, tried to do everything the best they can. He doesn't do this every day, pour driveways, but it wasn't like they were trying to avoid

going to the city.

Secretary Jerzy asked what the date is on that.

Albert Tiano explained this was three (3) years ago this was approved. Now it's came up again. The date is 5/3/2023. He enclosed that in there.

Albert Tiano said the one thing he would like to add. He replaced the sidewalks. It wasn't him that... When he went there... He spent a lot of money on that driveway, to be fair. They told him because a garbage truck or bigger truck could back into a driveway and they need to pour the sidewalk thicker so they're able to back up onto it without... You know it has to be thicker than the, he thinks it's five (5) inches. He can't recall. He really can't. But it's the same thickness as his approach. All the sidewalk right in front of his house. He did everything that he had thought and he thought everything was good for a while. Then out of no where it kind of arose.

Albert Tiano Junior stated he just started getting letters. So they did also walk pass the three hundred yards that they sent a letter to. He doesn't know how many the board received of emails from the neighbors. He's been in the neighborhood for thirty-three (33) years. He knows multiple driveways are conforming with this house. The house, if the board looks at the pictures, was in pretty poor shape on the outside. They cut down trees. They made it beautiful. It's definitely an enhancement into the neighborhood. He made him change...

Board Member Watts said point of order. Shouldn't they be hearing from the homeowner and not somebody else.

Albert Tiano stated he gave him permission to speak.

Chairman Nestorowicz said they're both here together.

Albert Tiano Junior said he won't speak anymore; he said enough. That's fine. If that's the case.

Chairman Nestorowicz thanked him for that explanation. This is a public hearing. So, is there anyone in the audience wishing to speak on this item? Approach the podium and start with name and address. Then comments...

Keri Tiano appeared before the board stating she lives right across the street from her son, Albert Tiano. They lived in that neighborhood for thirty (30) years. The women across the street could not also fix up her house all the time and make it gorgeous, but they looked at it. Then when her son got in there he started doing so many improvements that, you know, if his grass wasn't cut the husband was calling to cut his grass, get this together, making sure that everything looked nice. She's glad he's in the neighborhood and they have been there thirty (30) years. It's a big improvement.

Albert Tiano said the last thing he would like to say, if the board looks at the very last picture he supplied, that driveway is obnoxiously huge. He's not here to be that neighbor, like he said. As long as they keep their property clean, which he does.

Chairman Nestorowicz understands. Unfortunately, it's like the public portion of the meeting

because if they have any questions they'll come back to you. He wants to know if there is anybody else in the audience wishing to speak on this item.

No response.

Chairman Nestorowicz closed the public portion of the meeting and there's no impact statement on this one.

Secretary Jerzy said no. Everybody get comfortable. He still has to read the addresses. They got...

Board Member Watts said he has a problem with this. If people want to speak, they should be at the meeting. No a stack of emails.

Board Member Green said point of order. Just from a time standpoint. Do they have to read all the addresses into the record. What would be the best way to expedite the number of... They just got these five (5) minutes before the meeting.

Jennifer Pierce said the name and address are required. If they were here in person they would be required to state that at the podium.

Secretary Jerzy said he could have already gotten half way through this.

Board Member Green said the fact of the matter... He's just making it longer now. Names and addresses aren't required by law. So, he's just saying maybe this is the case where he doesn't have to use them. But it's her call, she's the boss.

Jennifer Pierce explained her department had a detailed conversation about this. Unfortunately, a lot of the other boards and commissions except emails and read them into the record. So, if that's been their passed practice and standard, then she thinks they should continue it until she can find something concrete that says it's against the Open Meetings Act.

Board Member Green thanked her. Good enough.

Secretary Jerzy said all of these are in favor. He didn't see anything that was not in favor so he'll just read the addresses and statements. Or the people if it's provided.

"To Whom it may concern, We are Warren residents living at 32433 Newcastle in Warren Mi. We wanted to let you know that we have no concerns about the home improvement made to a driveway at 32433 Cambridge. It looks fine and we have no concerns. Mr and Mrs. Michael McCarthy 32433 Newcastle Warren , Mi 48093 2/8/2026"

"To the Warren Board of Appeals.

My wife and I are the homeowners at 32356 Cambridge Dr. We are unable to attend the Public Hearing Notice scheduled for Wednesday February 11, 2026 but

would like to provide our views pertaining to this matter. We find no issue with the 9' widening of Mr. Tiano driveway. In fact, we believe the work that was completed has actually enhanced the beauty of his home and the neighborhood.

We are concerned as to why this meeting has been called at this time, nearly two years after the work on Mr. Tiano's driveway has been completed. In fact, knowing that Mr. Tiano had the necessary permit to do the work raises even more questions.

We are in complete support of Mr. Tiano retaining the current driveway. We also believe in blends in nicely with the several other homes in the neighborhood who also have widened driveways."

"To whom it may concern the property located on 32433 Cambridge Street for the widened driveway looks amazing and professionally done enhances the neighborhood and surrounding properties Sincerely, Felix Washington 32523 Cambridge Dr."

"Hello,

My name is John Ireland and I am a neighbor of Albert Tiano.

I received a letter about his driveway being widened.

As a neighbor, I do not think it looks bad or should it be removed. There are other houses in the neighborhood with the same driveway extensions as well.

Please do not cost someone a bunch of money when it doesn't cause any harm.

Thank you,

John Ireland"

"I understand you are having a hearing in regards to an oversized driveway. I lived for years at 32355 Cambridge I now live down the block. We always had an oversized driveway.

If you drive up & down Cambridge & New Castle you see many oversized driveways so I truly don't understand why your even having this meeting.

Is it your intention to have all the oversized driveways removed?

His driveway doesn't bother anyone, in fact it truly improves the look of the neighborhood.

Seems to me there are much larger problems in Warren such as your rat problem & blight why don't you concentrate on the bigger problems and quit wasting time & money on such ridiculous petty things like this.

Most sincerely

Diana C Amato
32536 Cambridge”

“To Whom It May Concern:

We are the homeowners at 32434 Cambridge Dr., directly across the street from Mr. Tiano. We are unable to attend the public hearing, but would like to express that we find absolutely no issue with the widened portion of Mr. Tiano's driveway. We are in full support of him retaining the driveway as is. Please contact us for any further questions.

Thank you,
Evan and Michelle Gatny”

“We reside several houses south of this property. The hearing on this matter was brought to our attention by friends who live in close proximity of this home. Frankly, prior to the purchase of this property by the current owners, the front yard was an eyesore. We would like to be entered into the record as NOT being opposed to the retaining of the cited portion of the driveway and the variance requested be granted.”

“My Name is Mike Rintz, my wife and I have been lifelong residents of Warren and have resided at 32040 Cambridge Dr. for 33 years and raised 3 kids at this address. We have seen neighbors come and go throughout the years. It was nice to see a young couple move into the neighborhood (32433 Cambridge Dr.) which was in very much need of repair, they did a phenomenal job of updating their home and extremely happy to have them as neighbors. My wife and I are in favor of the added expansion to their driveway, not only because it was crumbling and an eyesore, it will keep vehicles off the street, and it enhances the looks of the home even more. Please grant the requested variance that is needed.

Sincerely
Mike & Sandy Rintz
32040 Cambridge Dr.”

“I am writing concerning the matter of Albert Tiano at 32433 Cambridge Drive for the extended driveway hearing.

We do not have any issues with his driveway being extended 9' toward the North property line.

He has done a great job updating the house since he purchased it and the curb appeal looks better than it did previously. The yard is clean and well kept as well.

--

Tom
32344 Cambridge Drive"

Kaptur

"Dear Members of the Zoning Board of Appeals,

I am a neighboring homeowner near 32433 Cambridge and am writing to express my support for the requested driveway variance.

The homeowner has made noticeable improvements to the property, and the widened driveway does not negatively impact me or my property in any way. In fact, the additional driveway space appears to reduce street parking, which I see as a benefit to the neighborhood.

I do not have any concerns with the driveway as it exists today and wanted to make sure my position as a nearby resident is part of the public record for this hearing.

Thank you for your time and consideration.

Sincerely,

Rob LaForest
32028 Cambridge Dr"

"Dear N Jones I am writing to expressthat i have no issues with my neighbor widening their driveway. In fact, i believe it is beneficial as it keeps vehicles off the street. This is particularly important for ensuring that emergency vehicles have clear access to the road, especially during the winter months. i have noticed that several neighbors also have widened their driveways as well, in the neighborhood. Thank you for your time. Sincerely Pamela Grzelakowski"

"To whom it may concern
For your information

This is a copy of an email I sent to the City of Warren Board of Appeals

This email is in response to a letter received for a Variance(s) Requested by:

ALBERT TIANO

32433 CAMBRIDGE

Permission to: "Retain the widened portion of the driveway 9' from edge of the garage towards the north property line in the front yard."

For the Record:

We John and Marilyn Zahorchak property home owners at 32356 Newcastle Drive have no objection or issues for this Variance(s) Request. Thank You"

"I am writing to you in regards to the variance request to retain the addition to the driveway at 32433 Cambridge Dr. My wife and I, Carrie Tiano and Albert Tiano Jr, own the property across the street, 32422 Cambridge Dr., and we think that the removal would be a great hardship for the owners. He is being asked to tear out a driveway that was pre-approved almost three years ago. I helped with the driveway, and we did our due diligence with the City of Warren Building Dept. and the Engineering Dept prior it being removed and replaced. We addressed every departmental requirement, at the time. In fact, one requirement was that the driveway be 2 feet away from the property line, and it is actually 4 feet away from the property line. The driveway is, in no way, a burden to anyone. In fact, less vehicles crowd the street and makes it easier for emergency vehicles get through, if necessary. By no way does it created blight in the neighborhood, but increases the property values in it. Thank you, in advance, for your consideration in this matter.

Albert Tiano Jr"

Secretary Jerzy said that's all he has, Mr. Chair.

Chairman Nestorowicz thanked him. Not seeing any other comments, he closed the public portion and turned it over the board for questions and discussion.

Board Member Lindsey appreciates the comments from the petitioner. They seem like great residences, he understands all that. Him moving into the house, making a lot of improvements. Unfortunately, in his seat that really has no bearing on what he's here to approve tonight. They're looking at a driveway. They have been, as a board, and him specifically, can't be in favor of widening these driveways. It's unfortunate; he's sure it is a hardship for them to remove that. He feels bad for that. When he looks at the requirements of the variance when they say a hardship. It's a hardship to not be able to use the property as its designed. That's why they would need a variance. If they would have gone through the permit process they would have come to the board before pouring the cement. He's not sure he'd have the support to do that. So, they see these over and over in the city where they constantly have these driveways and asking permission to retain. He feels bad voting no, because he knows it's money wasted, but it's not an improvement as much as they might want it to be. He really does think it's a detriment. Again, he appreciates them being good residences, fixing up the property, but that doesn't way on his mind when he's voting on the driveway. The inside of the house has nothing to do with the driveway. That's his

comments. The board knows how he feels about widened driveways. They've been over this a lot. He doesn't see this as being any different. It's a hard no vote for him.

Board Member Watts drove by there and took a look. He did a deep dive on all the documents. He did a deep dive on the city's BS&A site. He has a lot of questions. He was told by the city on 5/3 to not pour, that he needed to go to the ZBA. It says he was ticketed on 5/5.

Albert Tiano asked if he knew what time that phone call was.

Board Member Watts said it's not a phone call. They said they ticketed him so they went out there.

Albert Tiano said they gave him the approval on 5/3, his concrete was poured on 5/4 at seven (7) in the morning.

Board Member Watts said on 5/3 they told him not to pour. That's what the record says.

Albert Tiano said no.

Board Member Watts said that's what the record says and then they give the board this other slip that says it's ok to pour. It doesn't say ok to pour, it says inspection ok. He's thinking the inspection, they were probably ok with what he had dug out.

Albert Tiano has pictures that are time stamped. When he came he walked the driveway with him.

Board Member Watts said he has a lot of questions. He's going to follow up first. He asked Steve if he had something to add to this.

Steve Watriont can add some clarity to this. The zoning inspector was out there on 5/3, they see that report where he was told. Spoke to him personally that it wasn't allowed. The inspector report and everything else was an Engineering report or inspection for the approach and the sidewalk. Engineering does not go into the actual driveway itself. It's only the approach and the sidewalk for clarification.

Board Member Watts thanked him. He asked Steve to stay there because he might have to answer some more questions. He poured, if he sees it right when he drove by and looked at Google maps, he poured all the way to the back property line.

Albert Tiano said in the back. Correct.

Board Member Watts said it goes all the way to the back. Steve, is that in the permit?

Steve Watriont explained a permit is not required for the side and rear yard.

Board Member Watts said when he drove by there the other day, is there is shed at the back of the property?

Albert Tiano said there is.

Board Member Watts stated there is no permit shown online for the shed.

Albert Tiano replied correct.

Board Member Watts asked if there is a rat wall underneath it.

Albert Tiano replied no. He's not going to lie to the board.

Board Member Watts has a huge problem with this. He drove around the neighborhood twice. He looked at the other driveways, a lot of various forms of concrete. When he looks at the other various forms of concrete, there may be some that are in violation, and who knows they might be getting a violation. But on the other half of the coin, there's a lot of houses there that are odd shaped where the garages are different. They're not straight on, come off to the side. They were built different with different concrete. They can't do anything about that, but this is an excessive amount of concrete. This is excessive. He doesn't know how else to say this, but they were told not to pour. He's trying to stretch the truth here to get a variance. No. This is not right. It's just too much. It's too much. They're having problems with this around the city and they're denying them left and right. Especially when they were told not to do it. Then they're going to come back here and cry and say it's a burden.

Albert Tiano Junior asked if they can rebuttal because it's not true.

Chairman Nestorowicz said only if there is a question.

Board Member Watts said no. He answered his questions. He's out of compliance and he will not be voting for this.

Chairman Nestorowicz asked for any other questions or discussions or comments.

Board Member Green has also been given this a thought. On this process of trying to... It's been the understanding that these increases of the width of the driveways has been to accomplish one (1) of two (2) things. Run a business and a multi-families living on the property in one (1) house, R-1-C. Obviously, there is more, but that was part of the reason they started to address these driveways. Then it got to a point where... The sad part for him is complaint enforced. There could be one next door to him. There is one next door to one that they did make comply, directly next door. That guy wants to call, make a complaint there, it'll be the same thing. They've had people take driveways out that were just poured. He's concerned about a couple things. Number one (1), this is not the first time they sat up there and somebody has come up here and said somebody told them they could do it. That's a problem. Ordinances are online. People can see what the ordinances are. He can understand where people sometimes who aren't familiar with that stuff wouldn't know, but it would seem that they would look into it. Here's where they are at. He thinks it's the same as the rescheduling issue. The rescheduling issue isn't the rescheduling, it's that they don't have a rule for it. He started thinking about this driveway thing. He started thinking, are they going to go backwards and just get everybody? Or are they just going to start here and they can have it because they did it yesterday. They can't have it because they're doing it tomorrow. Then he started thinking about what Mr. Clift said and he started thinking about the

zoning stuff where they have all this stuff zoned different for one (1) piece of property. The problem is created by the city and the administration because they're not addressing. They need to address and get things properly zoned. Not as easy as it sounds, but it can be done. The same thing is true with these driveways. They got this rule, and he thinks ornamental is the word, where on these front driveways they can only be so far. Everybody can drive down any street and see five (5) driveways that have been widened. Some of them don't look that bad. So, now, he's starting to think. What is the issue. The issue is the ordinance. He thinks they're beating around in this circle and all they're doing is digging themselves into a hole. There's going to be a lot of people pissed off. That's not the intent. The intent is to do what's best for the city. So, maybe this is the juncture where they say the problem has been created by the city and they need to sit down in the next couple meetings and direct whoever they direct to come up with a new zoning ordinance for driveways. He thinks all of them could sit up here and say they have no problem if someone widens it a little bit to put a basketball hoop in. Can you put basketball hoops in? He doesn't know. But do you know what he's saying? Then they can start from that. At least that will give them some leeway, because it looks like people want to do it. Have a little bit more room. Maybe cars are bigger now, he doesn't know. He's given this a lot of thought. It seems like they're going about it backwards. This is going to continue to happen all the time. Then he thought about what Mr. Clift had said, it's their zoning. It the way they've got things, not zoning, but it's their ordinances. It's the zoning ordinances that aren't fitting what people want to do. So, he doesn't know where they start because he doesn't want multi-families living in a house. He doesn't want people running businesses out of the house, and that was a product of covid. People said this is pretty easy. Get up and go in the driveway and get their stuff. This one particularly has a lot of cement, he'll give him that, but that's his thought. They're looking at this backwards. He thinks they need to get the ordinances changed that fit what the community is asking for, within reason. That might take a lot of these away from their table. That's his comment.

Secretary Jerzy thinks he hit the nail kind of on the head there, Mr. Green. In that neighborhood, there's legitimate parking lots on Newcastle. They got cars parked on the front. He knows which house he's talking about. He's not going to name off the addresses. It becomes an issue, again, where does this start and where does it stop. What's the latitude... He means if they go right to the teeth of the ordinance. He thinks they're going to pin themselves into a corner. He thinks on top of the ordinances being out of date, as far as all that stuff goes to some degree, it becomes a staffing issue yet again. They don't have enough staff to oversight all these things that have just developed and popped up. Concrete is being poured, nothing is followed up on. Where do they start and where do they stop? His thing is, he thinks they bring up a good point about how this process developed with this property. That's concerning in its own right. Maybe a topic for another day, but he thinks the residence that is in question here. He does believe it was tastefully done. He doesn't understand the concrete in the backyard, he thinks that's excessive. He thinks this project is actually tastefully done. It is a little bit, but there's a whole lot more of concrete in this town and a whole lot more properties than what this gentleman has. It's a problem. It's an enforcement problem. They can't police it. When they start policing it, other things are going to fall through the cracks because they're just focusing on concrete driveways in front. Not to say that they shouldn't be, but it becomes a man power thing and an ordinance thing. He thinks he hit the nail kind of on the head there. That's his two cents on it. He thinks this one is tastefully done, but, again, he has a problem with the process of which it was done. Why this house got targeted is beyond him, when there's other parking lots in the neighborhood that should be addressed. Probably should be ripped out. Again, he kind of shares the same sentiment with Mr.

Green. Where do they start? Where do they stop with this? He yields the floor.

Board Member Clift said to the petitioner. He put together a good packet. He came up and plead the case with passion and tried to put facts into play. The very evidence that was submitted in their backup kind of contradicts some of the things that he was asserting. He's not point fingers; he's not calling names. He's actually admire the fact that he tried to be proactive in his project. Perhaps, he wasn't quite clear or quite understanding on what it was that was being told of him, so he's not trying to demean him in his commentary. Please don't take it that way; educational moment. Anytime you talk to anybody about anything anywhere, and they tell you it's ok to do something, you want to know who that person is. Grab a business card, whatever. The first thing people... He's a code enforcer in another municipality. The first thing he asks is who told them. If you can show, that carries an awful lot of weight. That changes the whole dynamic of the situation. But if you can't, then you can't. As far as the Engineering Department goes, he's a little concerned that they're going to post ok tag. Where's the camera? Post an OK tag, got a name scribbled in there and date and the address. No permit number, no narrative. He did the right thing. He kept it or asked for it, whatever. Somehow or another he presented it as backup information to support the assortment of his case. However, it's completely useless to him because he doesn't really know what it's for. He applauds him for keeping it. If they ever do anything again, what are you going to ask them? Please put permit number and tell them who they are and print the name. If they got commentary, this is where it should have went in at. So, the permit that he drew, he just wants him to understand, that was strictly for the sidewalk, approach, and the curb cutout. That's the only thing that requires permits in Warren. Above the sidewalk, flat work, doesn't really require permitted. But you still have to ask those important questions, because there are do's and there are don'ts, as he's learning here this evening. He's glad he put it in, but right away he understood this was for the sidewalk down towards the road. It had nothing to do with his project upward of the sidewalk. Some narrative in their backup talks about somebody came out and told him don't pour passed the garage line. If they would have stopped at the garage line, they would have been within ordinance. Teachable moment. He already understands he heard things, or he interpreted things that he heard. He gets all that. At the end of the day, he was either given erroneous information or didn't try hard enough to verify his fact on that. As a board, this board has been very, very stringent on these kind of activities of late, because they're an epidemic as he heard some of his other board members comment. It's an epidemic around the city right now and there's not a lot of support for this kind of thing going on, especially after the fact. They don't know. He can express to him as much as he wants that he tried to do things the right way. He's listening to what he's telling them, he has no reason to doubt that he didn't try to be proactive in the project, but overstepped what the ordinance requires and somebody is calling him out on it and here they are tonight. He doesn't require any rebuttal to his commentary. He appreciates them providing everything they provided and he appreciates the neighbors piped up and stood up for him and the multitude of emails they have gotten. With that he'll yield the floor.

Board Member Lindsey said if there's no other comments he would make a motion.

Board Member Watts said just to his colleagues. To be clear, they have an ordinance. They can't go passed either side of the garages. It's pretty plain and simple. Yards are yards, they're not parking lots. He doesn't care if other people have done it in the neighborhood. Then if they get a complaint, it's going to get dealt with. Maybe they'll have enough people at some point to do the enforcement and get this place straightened out. To put that much concrete in a yard is a

detriment to the neighborhoods. You know, he has to be honest with them, he drove by there and looked at the passed pictures of the house. The house looks better, he agrees. But they have an ordinance to follow and it's their job to follow those ordinances. If they let one go here, they're going to have to let everything go. They've already been turning them down. They know that it's wrong and they have to stick with that. Otherwise, they're going to have a problem in this city. They all live there. They all have to hold that to that standard. He feels bad for him that he's getting a learning experience here like Mr. Cliff said, but he was specifically told not to pour. He should've followed up on that. A little piece of paper with a scribbled name doesn't mean it's ok. To be honest with them, here's the way he feels about it. I'll do it and ask for forgiveness and get my way. He doesn't play those games. They're getting too many of those. Thank you.

Board Member Lindsey would like to make a motion.

Motion:

Board Member Lindsey made a motion to deny permission to retain the widened portion of driveway 9' from the edge of the garage towards the north property line in the front yard.

Reasons being: Petitioner has not met the practical difficulties standard for a variance; No unreasonable burden or impact to maintain compliance; Self-imposed; Nothing unique about the property: Detriment to the area.

Board Member Watts supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Lindsey, support by Mr. Watts to deny the request for the reasons stated. A yes vote to deny during the roll call.

Roll Call:

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

| | |
|-----------------------|---|
| Board Member Lindsey | Yes, to deny for the reasons stated in the motion. |
| Board Member Watts | 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 | Yes, for the reasons stated in the motion. |
| Board Member Cliff | Reluctantly, yes, to deny for the reasons stated in the motion. |
| Secretary Jerzy | No, believes it's a city issue. |
| Chairman Nestorowicz | No, the city needs to decide what direction they want to do in this kind of case. |

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

Chairman Nestorowicz said to deal with, maybe contact Mr. Watriont's office and discuss next steps.

Albert Tiano Junior asked what they would have to do.

Secretary Jerzy said next step would be to talk to Steve about next steps.

Albert Tiano asked if he could clarify something. He asked everyone. He did everything and he was told to leave four (4) foot of greenbelt. That's why he printed those. This wasn't done to...

Chairman Nestorowicz understands.

Albert Tiano has nothing to do about forgiveness. This is quite honestly... He does park his trailer in the back, but he does ice fish. They lives next to one of the best fisheries.

Chairman Nestorowicz understands. Unfortunately, it's like at this point he can contact Mr. Watirpont and his office and figure out what next steps would be.

- | | |
|----------------------------|--|
| 11. PUBLIC HEARING: | APPLICANT: Zaid Arabo |
| REPRESENTATIVE: | Same as above. |
| COMMON DESCRIPTION: | 8360 Thirteen Mile |
| LEGAL DESCRIPTION: | 13-10-126-001 and 13-10-126-002 (Lot combination in progress) |
| ZONE: | R-1-C |

VARIANCES REQUESTED: Permission to

Retain the existing front setback of 29' 1-1/4" for a religious center.

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:

(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.

Chairman Nestorowicz said good evening. Start with name and address for the record, and then explain what the request is today.

Yogi Adnon appeared before the board stating he is representing ZA Design. With him is the owners representative.

Chairman Nestorowicz asked him to state name and address.

Yogi Adnon stated his name and address.

Chairman Nestorowicz asked him to explain the request; what they're asking for. Explain the request. What is the variance they're trying to get.

Secretary Jerzy asked if he can take the board through his request.

(Inaudible)

Yogi Adnon explained they have a situation where one corner of the property does not meet the setback requirement of thirty (30) feet. They are short by ten (10) and three quarters of an inch from the setback requirement of the Thirteen Mile Road. This is the situation that they inherited with the existing building.

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

No response.

Chairman Nestorowicz closed the public portion. There is an impact statement from Planning, if Mr. Jerzy will read that in.

Secretary Jerzy said from Mr. Wuerth, the Planning Director.

“The petitioner received revised site plan approval with conditions for an Islamic center for worship on November 3, 2025. Provided that the petitioner complies with the Planning Commission’s approved conditions, which shall be required in order for the site plan to be released to the Building Division, review of this request finds no issues to impact the abutting, local or general public.”

Chairman Nestorowicz thanked Mr. Jerzy. The public portion of the meeting is closed and it’s open to the board for questions and discussion.

Board Member Green has a couple questions. First, again, this is an ordinance that was written in 1960 and it reflected the complexity of the community in 1960. The original plan was to have one (1) square mile. In that square mile was a school, and everybody walked to the school, that was part of the plan. As part of that plan, there was a church in every square mile. Eighty-six (86) square miles, that was part of the original 1960 information, and that’s where this ordinance requirements were generated from. So, they get themselves in a situation again where they have a situation where what they’re trying to put in not fitting the neighborhood. They have existing residential on both sides. If they look at the numbers on the site plan, the numbers on the site plan, maybe he can get clarification. It says there are thirty-seven (37) parking spaces. Do they know if that is the correct number?

Yogi Adnon replied yes.

Board Member Green said there is thirty-seven (37) parking spaces and that was calculated for, and he wants to use the correct terminology, three (3) people for each space. On the rug or on the floor. He thinks that’s how its said on the site plan, that’s how they calculated the parking area. Thirty-seven (37) parking spaces, three (3) people for each three (3) parking spaces. One (1) parking space for each three (3) people. Again, he knows the variances for the one (1) inch or whatever, again, being proactive and trying to get in front of it. It would appear as so it’s not going to fit. He has a concern for the thirty-seven (37) parking spaces, and he can see based on his experience from these existing sites that there’s a pretty large parking lot across the street. That’s the kind of

problems they create by not speaking up right off the gecko and saying what the concerns are, even though variance is the one (1) inch. Thirty-seven (37) parking spaces, there's no way. Not even close is that going to be (inaudible) to that neighborhood. Thirty-seven (37), there might be ten (10) or fifteen (15) employees.

(Inaudible)

Board Member Green doesn't think it's adequate for the project. That is a concern of his. It's going to put a burden on the neighborhood because there is some brand new construction there. He's also always concerned when he sees these. He looked at the site plan as close as he could. Anything he approves or any of these projects was a condition that there cannot be any outside speaker systems. They ran into this with some various other mosques that have been put up. It always gets to the point where they want to put speakers outside. That is going to be a condition if this does move forward. Those are his concerns with the project in general and the variance that they're here for tonight.

Secretary Jerzy said initially looking at the print, he kind of has to echo the same sentiment as Mr. Green. They have, to him, again he's going to go on the record saying they need to do a better job as a city finding better places and better land to provide the adequate space that they need for worship centers. He feels that time and time again, he doesn't know who is cutting deals to sell them property, that's a whole other animal. He feels they're telling them they can do stuff with land that just doesn't fit at the end of the day. Here's his concern with the project, it's not that he's against having a religious center there at all. He thinks it's a good idea, but given that neighborhood, residents on both sides. They only have thirty-seven (37) parking spots. This is going to be a place of worship. Is that correct? Is he safe to assume that? There's going to be worship there, right?

(Inaudible)

Secretary Jerzy said then they're going to have more than thirty-seven (37) cars, gentleman. They know this. Where are they going to put the overflow of parking. Have they had any concerns about that? Any kind of thoughts about that? They're going to have cars parked up and down Old Thirteen Mile? Are they going to be going across the street to the banquet center to park? Causing them unfair burden. Or maybe another potential problem with... Are there any shared parking agreements with any additional businesses in the area? Maybe the strip mall that's adjacent across the street. He just doesn't think that this is an adequate enough area to do what they need to do. Mind you, there's a nice lot with trees and everything. Somebody went in there and ripped all the trees down and just started building, doing so without any kind after thought the impact would be. Not only on their property, but also the adjacent neighborhood and community. So, typically, when they've had these worship centers, they've had as many as two hundred people coming to worship. You know, in a building that's... It becomes a fire issue, a fire hazard issue. If you have too many people in such a small building. So, his concern with the project as a whole looking at the site plan is numerous things. First off, it's the parking. He knows maybe that's another thing that needs to be changed in their ordinance is with the parking issues regarding religious institutions and stuff. He doesn't know where they start/stop with that, but he personally thinks this is an over build for the

property. He doesn't think it's going to fit that neighborhood. He thinks they're really going to upset the neighbors. He'll let the petitioner speak to that if he had any conversations with the neighbors or any of the concerns that he just expressed.

T. Ahmeed, 31127 Lund, appeared before the board stating he's one of the owners. In the last meetings they had with the planners in the city commission and had the neighbors. They asked them to communicate with the neighbors. They also personally send letters to the neighbors and they few neighbors that came out. The ones that attended didn't have any concerns about it. As far as for the parking lot, as they see, this is a very small house and thirty-seven (37) parking spots is enough for those people who are going to come for worship. If not, then the banquet hall owner was there at the Planning Commission meeting and she personally came to them and said if they need any parking spot to let her know and she'll deal with it and provide. Just ask for her permission. Hopefully, they think they'll have no problem with the parking and as you can see that building is not going to fit that much people.

Secretary Jerzy said here's the problem. They have other buildings that don't fit that much people, but they end up with three hundred and fifty people showing up. If you're a religious institution or church you can't turn people away to come worship or pray. That's not right. You have to make it accommodating to whoever wants to come. You may end up with fifty (50) one weekend and then once people realize it's there, it's easily accessible, the parking is a little bit better, he could see that place growing versus it not growing. The road to hell was paved with good intentions. He just thinks it's an over build for the property. Do they have a shared parking agreement and signed letter from Larsa, the owner from there.

T. Ahmeed does not have any. She just told him personally. Because they did not open the place yet and they don't know how many people they're expecting. He doesn't think they'll have...

(Inaudible)

T. Ahmeed said the cars are there, they have met it and got the permission from Planning.

Secretary Jerzy said unfortunately this doesn't...

Yogi Adnon said thirty-seven (37) parking spaces.

Secretary Jerzy understands that, sir. Did they understand what he just said though about this becoming too big to handle, in essence. It would be a good thing for them, but it's going to be bad thing for the community. How long does that last with the neighbor across the street? She might be ok with a little bit of overflow, but now if they have enough people to fill that place and fill her parking lot on the regular, that might become a problem down the road. He wishes they would have had something in writing from her and brought it. Show they had some sort of shared parking agreement with Larsa across the street. How does that work if they sell? Will the new owners for them be just as accommodating with the parking space. You can't rely on your neighbors. He doesn't park his car in his neighbors driveway just because he has people coming over. It becomes a slippery slope.

T. Ahmeed understands and is not relying on her. He didn't even ask her, she came to him and said this. He doesn't think they'll need it now. As he mentioned now, this is a small property. Maybe going to fit forty (40) to fifty (50) people, max sixty (60) people. For sixty (60) people there should be enough spots and they should not bother the other neighbors. They have this property and they don't have anything else.

Secretary Jerzy asked they're going to build a property on two (2) properties. So, they got the lot combination with the front and the two (2) lots.

Yogi Adnon explained they applied for the lot combination. They have the parking lot there.

Secretary Jerzy said the building their going to build on that's going to require the lot combination of two (2) lots is only going to be adequate enough for sixty (60) to eighty (80) people.

Yogi Adnon said they're talking about the current building that they have. They're not building any new property. They're just having the parking lot.

Secretary Jerzy asked if the house is going to be the building, per say. There's not going to be a new structure built.

Yogi Adnon said no.

(Inaudible)

Board Member Green stated the problem with the shared parking though, giving their experience because they've seen it now. It becomes a problem for parishioners and it becomes a problem for a lot of people. Their experience has been there are two (2) centers in the city where people actually go in the middle of the street and stop traffic so other people at the worship center can get across the street. It becomes really unsafe. It's happened at these two (2) facilities. They've talked to them about it. Shared parking sounds good, but when you're going across Old Thirteen Mile, it's a tough take.

Yogi Adnon said this is not a shared parking. She just... He was just mentioning do they. That's why he was saying she came to him saying if they need parking to come to her.

Board Member Green understands. He was just trying to share their experience. The other thing is... Anyways, it has become a problem for them for the city at this particular time. Now he forgot because he's an old man.

Secretary Jerzy apologized thinking there was going to be another building. That makes more sense to him. He yields the floor.

Board Member Watts said this is another one of those situations. It doesn't fit the neighborhood. They don't know... He looked through here and he doesn't see any Fire Department stuff that tells him what the capacity of the building is. He's told in some of

the research he's done, if they figure one (1) car per person, so that means they're only going to put thirty-seven (37) in there. He doesn't know what the capacity is for the building; he's concerned about that. He doesn't know what their capacity is going to be. It just doesn't fit. They got residential on both sides, and he doesn't care if they have a written parking agreement or a verbal parking agreement, if they're going to build something and put it in there they're required to have the necessary parking for it. They're not supposed to be relying on the neighbors, the parking lot across the street, the shopping center across the street. That's not fair to any of those people. He looks at Larsa, what if it's a day that they're having prayer and they're having a party at Larsa and the parking lot is full. Where are they going to park? On the side of the road? This is not right. This does not fit the area.

Yogi Adnon said they're here for like...

Chairman Nestorowicz is going to stop him for a second. Unless there is a question directed to him.

Board Member Watts understands what they're here for, but they have to make sure that it fits the area. Everything has to fit. If they give a variance, it could create problems in the rest of the area. That's the problem. They have to be very careful. They're not even required to give them a variance. They could just flat out turn them down. But they give a lot of variances, and honestly he would prefer to not give any. He doesn't feel like this is going to fit. He sees what's going on in other areas with the traffic problems. He's just concerned about it. He's concerned he'll be back here in another year for another variance, and another variance in another year and another year. That's his concerns.

Board Member Clift said good evening. He's looking at their site plan and has a couple of questions he just wants to ask about. He sees that small corner of the house that causes the predicament. He also sees anticipated drawing on this as porch structure with a ramp. He hasn't been by this property. It's one of the few up this week that he didn't get a chance to go by and look at. So, is there currently a handicapped access, ADA access ramp porch area and steps on the southwest side of that house.

Yogi Adnon replied yes. They have met all the zoning ordinance, just this eight (8) inch setbacks. That's all they need and what they're here for.

Board Member Clift said his question, sir, does the porch and ADA ramp currently exist.

Yogi Adnon replied no it does not exist.

Board Member Clift said that extends into this setback. They just had to approve how many porches that were two (2) feet into the front setback. There is a big blank area on his print. His question to him is there intent in the future sometime to build a structure in that big blank area that he's looking at on this site plan.

Yogi Adnon asked if he can ask...

Board Member Clift said yes or no. He repeated his question.

Yogi Adnon said they might in the future.

Board Member Clift will accept that as a yes. To his fellow board members, he thinks he can kind of like it better when a complete site plan comes before them so they can see everything that's going on, either currently or anticipated. That can be easily spelled out with their intent or plan on what people want to do on parcels of property. He doesn't think that's an unreasonable request. He thinks that these piece meal, little bit here, little bit there, variance things is absolutely what gets them into trouble and things they have to hear about 5, 10, 15 years down the road from neighboring residents because certain things are starting to occur that nobody really anticipated occurring. This board has seen enough evidence of this kind of activity in the not so recent passed. He's not comfortable approving variances on a parcel of land or piece of property, especially when the wealth of information has been provided to him that allows him to kind look out a little bit into that near or far future, which is part of their responsibility as a board to do to see if things work in their neighborhoods or not. He'll yield the floor.

Board Member Lindsey said when he's looking at this. This is to the board. He understands that the variance they're asking for is less than a foot, he gets that. That's because it's a house. Now they're looking at granting a variance for the existing property, but it's going to be made into something that it's not intended for. If it's a house, he doesn't have a problem with retention of the setback, but they're trying to make now an existing structure that's currently a house and then making into an Islamic center. They know that the detriment that's caused in the areas before. They have seen these a few times. They have seen that they're continuing to see these variances come up for these properties that are not intended to be used for the size lot that they have. So, when he looks at this, he doesn't see that the petitioners have actually met the practical difficulty standard in order for the board to grant this variance. It's going to be a no vote for him. He's prepared to make a motion, unless there are other comments.

Chairman Nestorowicz asked if there are any other comments or questions.

Motion:

Board Member Lindsey made a motion to deny permission to retain the existing front setback of 29' 1-1/4" for a religious center.

Reasons being: No unreasonable impact maintain strict compliance with the area; Property is not unique; It is a detriment; Personal or economic situation.

Board Member Watts supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Lindsey, support by Mr. Watts to deny the request for the reasons stated in the motion. Yes vote to deny.

Roll Call:

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

Board Member Lindsey Yes, to deny for the reasons stated in the motion.

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

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

Chairman Nestorowicz said he can deal with the Building Department to see what his next steps could be.

12. PUBLIC HEARING: **APPLICANT: Assaad Sobh -USE-**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 32480 Mound STE 2
LEGAL DESCRIPTION: 13-04-103-007
ZONE: PB

VARIANCES REQUESTED: Permission to -USE-

Perform the C-2 use of a photography business in a PB zoning district. **USE**

ORDINANCES and REQUIREMENTS:

Section 12.01 – Use Regulations: Photography business is not a permitted use in a PB zoning district. Refer to Section 14.01(d).

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: (d) ... Photographic reproduction...

Assadd Sobh appeared before the board on behalf of 32480 Mound Road, Suite 2.

Jesse Speelman appeared before the board stating his address.

Chairman Nestorowicz said before they begin, he just wanted to state because this is a use variance. They would need six (6) yes votes. They are down one (1) person. He just wants to make sure he does want to proceed today or if he wanted to try to reschedule to have a full board.

Assadd Sobh has confidence.

Chairman Nestorowicz said they can continue now.

Assadd Sobh was in front of the board about a month ago and the problem he's having with this building is just the size of it; they're small units at 840 square feet. They had a lot of different applicants that came forwards. Mr. Jesse lives in the City of Warren and they feel that this is something that would fit the area. It's mainly as an office use. They don't do anything on site. They're mainly a wedding photography and that suite was a variance issued in 2019 for retail store. So, this is something that he would feel would serve no harm to the community, the neighboring. There is no resale on site. It's very short hours, by appointment only. They're here

to answer any question the board might have.

Chairman Nestorowicz thanked him for that explanation. This is a public hearing. Are there any members of the audience wishing to speak on this item?

No response.

Chairman Nestorowicz closed that portion. Mr. Jerzy there is an impact statement.

Secretary Jerzy said yes, Mr. Chair. Thank you. Per Ron Wuerth, the Planning Director.

“After review of the request no issues were found to impact the abutting, local, or general public.”

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

Board Member Clift said to the boards attorney. Being that it's a use variance, this one gives him a little conflict, but being it's a use variance he wanted to inquire whether or not they would be proper in providing a sunset on this. For example, when this particular tenant leaves and his business leaves, it would revert back to its original C-2 or PB use and retaining the previous variance for the retail outlet, if they elect not to reject it. He's just curious.

Jennifer Pierce said unfortunately, she doesn't think they can put a sunset on it.

Board Member Clift said to the petitioner. Can he run him through what their daily activity would kind of look like at this location. Are they just taking orders here, doing office work, maybe processing their digital formatting or whatever, putting things together. Is there going to be any actual shooting of photographs on site?

Jesse Speelman explained the majority of the work that will be done there is editing. It's him sitting at a computer in an office. He'll also have photoshoots of individuals and families, but that's by appointment only. There won't be any products sold in that unit. It won't be open to the public commercially, so they can't walk in and schedule a photoshoot. Typically, he has perhaps one (1) photoshoot a week. He'd like for that to be more, but as Assaad stated, he's a wedding photographer so that's the majority of his business. He lives just a few blocks away, he walks to work, and would just like to have a place to focus rather than working out of his house with his toddler.

Board Member Clift appreciates that information. Its just he personally has issues with use variances. However, two (2) things come to mind to him, it looks like he's going to be a low impact tenant there and Assaad has gone above and beyond to try to bring somebody else before the board to try find a viable use for his property. He wants to thank him for that. He thinks that commendable. Both of those kind of weigh heavily in him being able to state to him that he doesn't think he's going to have a real issue with being a yes vote on this particular use variance on this, and that is very rare for him. With that he'll thank the gentlemen and yield the floor.

Chairman Nestorowicz said to Mr. Cliff he knows that he asked about a sunset, but the thing is this use is only going to be tied into photography use. It's not like any other kind of use can be there. That's where some of those ordinances are so outdated, because the photography stuff is based on the dark room and developing the film and all of that. Now it's all digital.

Board Member Cliff said Mr. Chair, please, the first twenty-six (26) years of his young adult and adult life was based around photography. He's not going to deny the sentiment that he lay forth, he's not going to have those nasty chemicals running around like he used to have to dip his fingers into and things. He's sure being a wedding photographer he shouldn't have so much unsavory activity at that location that unfortunately he was kind of subject to because at the time his father wasn't very discriminating on what he took photographs of. With that he'll yield the floor.

Secretary Jerzy asked the attorney if they granted this, could they put a provision on it to include, you know, perform the C-2 use of photography in a PB zoning district with the except for the use of a tattoo studio or tattoo parlor since that was an issue with the last one. Can they stick a stipulation like that on this.

Steve Watripont explained they don't have the power to rezone. If you don't mind.

Jennifer Pierce said by all means. Go ahead.

Steve Watripont explained they don't have the power to rezone. That will be a rezoning to rezone it to a C. What the use variance is asked. Can he specifically run a photography studio in this PB zone. The C-2 has nothing to do with this, only the use and that's strictly the only use that can be in there and go forward.

Secretary Jerzy said he gets it and to stop yelling at him. He thinks he can get behind this, too. He agrees with it being a low impact use. The applicant and the building owners done some really good hard work trying to find a tenant for his property. He thinks he's finally found one. He can get behind this and yields the floor.

Board Member Lindsey has a quick question for the petitioner. Good to see him again. He apologizes, it's been a long night. Is this the same property that they saw just a month ago.

Assaad Sobh said yes, sir.

Board Member Lindsey is trying just to remember because it was with the other use. Is this just one building or is there multiple units within the building.

Assaad Sobh said it's one (1) building, four (4) units. The first one is travel agency, the second one would be this and they got 3 and 4 still vacant.

Board Member Lindsey asked if he's just requesting the variance in the one (1) unit then.

Assaad Sobh said yes, sir. Just for suite 2.

Board Member Lindsey asked the attorney if they grant the use variance, is it particular just to the one (1) unit or does it apply to the whole building property.

Jennifer Pierce said the request is for the one (1) unit so it would be applicable to that unit only. Not the whole building.

Board Member Lindsey thanked her for clarifying.

Assaad Sobh said they're just asking for this tenant. If he vacates in three (3) years in the lease, and the next person comes they would have to come in front of the board.

Board Member Lindsey explained if they do grant the variance, it's going to remain. That's why they're so diligent with their decision making. It's not just the one (1) tenant. It's going to effect that property for the lifetime and that's why they're so careful on the decisions that they're making. That does clarify their question. He doesn't have an issue with this. He doesn't think photography is going to be an issue. He would support this.

Chairman Nestorowicz asked for any other questions or discussion.

Board Member Lindsey will make a motion if the board doesn't have anything else to say.

Motion:

Board Member Lindsey made a motion to grant permission to perform the C-2 use of a photography business in a PB zoning district. **USE**

Reasons being: Not a detriment to the area; For what they've done to this property so far and what they've seen that there is a burden to use the property as zoned.

Board Member Assessor supported the motion.

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

Roll Call:

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

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

13. PUBLIC HEARING: **APPLICANT: Mark Giannini and Zouhair Kasha**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 3930 Ten Mile
LEGAL DESCRIPTION: 13-30-227-003
ZONE: M-2

VARIANCES REQUESTED: Permission to

- 1) Retain existing building to within 15' of the front setback along Ten Mile Road.
- 2) Allow open storage on non-hard surface.
- 3) Allow 2,240 square ft. of open storage on a property where the primary structure on the site is 2,880 square ft.

ORDINANCES and REQUIREMENTS:

Section 17.02 (a) – Industrial Standards – Front Yards: A front yard setback of 50' is required in M-2 zones on a major thoroughfare.

Section 17.02 (s) – Industrial Standards – Open Storage Other Than Junk: ... The designated area shall always be hard surfaced ... the designated area may not exceed fifty (50) percent of the gross floor area of the primary structure on the site...

Chairman Nestorowicz asked the applicant to start with name and address and then take the board through their request.

Mark Giannini appeared before the board stating his address.

Michelle Perry appeared before the board stating she's with John Tagle Associates, they're the architect, 309 North Main Street, Suite 213. They are here, the owners have been working with Planning/Zoning Department for about a year to clean up the property and to bring it into compliance. They do have site plan approval, subject to them coming in front of the board for these three (3) variances. He can go through each variance if the board would like or if they wanted to ask questions first. That's up to the board.

Chairman Nestorowicz said to go through them and explain them.

Michelle Perry explained the first variance that has to do with the setback, the building is located fifteen (15) feet from the front property line, which is the north side of the property. It was built in 1950, so they assume at the time this was built in compliance. The properties to the west that are adjacent to it are about the same setback. This is probably more of a put it on record variance. She believes the ordinance now says fifty (50) feet from the front yard setback, which would basically be more than half of the building. Number two and number three are for the same area. There is an existing fenced storage area that is gravel right now. There are two (2) businesses at this location. Hi-Tech Collision previously stored repair vehicles on the property. Mr. Giannini is in the process of transition into retirement, so his business has gone way down. He only services about one (1) or two (2) cars at a time at the most. Those are stored inside the building. The other business, A-1 Maintenance has vehicles that they use daily, and there's about five (5) to seven (7) trucks and trailers that they would like to store behind in the secure fenced area, which is what they've been doing. They would like to maintain that. The front part north of that fenced area, the common parking area, is slated to be paved with hard surface with storm water management added to that. The back part is fenced in, that's currently gravel, has had no drainage issues over the years. It's been like

that for twenty (20) plus years. They're requesting to maintain it that way. They'll keep it well maintained and it's for the vehicles that's daily use of a leave in the morning, come back at the end of the day, and stored over night there.

Chairman Nestorowicz thanked her 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 of the meeting and turned it over to the board for questions and discussion. There's an impact statement.

Secretary Jerzy said from Ron Wuerth, Planning Director.

"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 revised parking lot layout adding new parking spaces and landscaping boulder on December 15, 2025."

Chairman Nestorowicz said the public portion of the meeting is closed so it's up to any questions or discussion from the board. Or comments.

Board Member Green said this parcel is parcel 227-003. Looking at this aerial picture. This photo was taken on 8/25/2025. If it still looks like that, where are they going to put anything. It looks like a junk yard.

Michelle Perry said it does not look like that anymore. They've had a meeting with Zoning and Planning. They've looked at the Google Earth. That is not what it looks like anymore. She doesn't know if anyone had the chance to drive by it, but that's all cleared out and the only thing back there now is the business vehicles that come in and out.

Chairman Nestorowicz said to Mr. Green that lot is actually cleaned up now. It's not like this photo.

Board Member Green said legitimate question. It also says to note six (6) foot high chain link fence with obscuring slats install in lieu of masonry wall. Is the masonry wall a requirement. Six (6) foot masonry wall is a requirement, right?

Secretary Jerzy said they just went over that tonight.

Board Member Green said it was verified by the Planning Department to be able to put a chain link fence in. He thought that was this board.

Steve Watrion explained it depends on the use adjacent to them and everything else, whether a wall is required or whether or not the Planning Commission has the right to waive that. It's one of the things that is not a hard vest. If it was residential, it would require it. Other than that there is some discretion in that.

Board Member Green asked so if it's what, if it's residential...

Steve Watripont explained if commercial abuts residential, it has been required.

Board Member Green asked anything else Planning can approve it.

Steve Watripont said would have some discretion.

Board Member Green said Planning can approve anything else then if it's not residential.

Steve Watripont explained if it's the same use, it doesn't need a wall, fence or anything. It can be open at that point. It would be up to the neighbors what they did to separate.

Board Member Green said got it.

Board Member Watts has a question to the petitioner. If he's getting ready to retire, good for him by the way. Don't look back. Is the plan that maybe A-1 takes over the whole property.

Mark Giannini said possible. Very possible.

Board Member Watts said that's the only question he has. Thank you.

Board Member Clift is a neighbor of his. He lives in that neighborhood. Thank you for cleaning that up. It looks good over there. Congratulations on his impending retirement. He echoes his sentiment, don't look back. If nobody else has anything, he'd like to put a motion on the floor for this item.

Motion:

Board Member Clift made a motion to grant permission to:

- 1) Retain existing building to within 15' of the front setback along Ten Mile Road.
- 2) Allow open storage on non-hard surface.
- 3) Allow 2,240 square ft. of open storage on a property where the primary structure on the site is 2,880 square ft.

Reasons being: The building has been there a very long time; Not a detriment to the area; The area is looking very good now; It will help them retain an active business within that piece of property.

Secretary Jerzy supported the motion.

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

Roll Call:

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

Board Member Clift
Secretary Jerzy

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

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| Board Member Assessor | Yes, for the reasons stated in the motion. |
| Board Member Lindsey | 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 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.

14. PUBLIC HEARING: **APPLICANT: IBB Petroleum Services Inc -USE-**
REPRESENTATIVE: Arafat and Fawzi Algahim
COMMON DESCRIPTION: 21350 Ryan
LEGAL DESCRIPTION: 13-32-301-016
ZONE: MZ, M-1, R-1-C

VARIANCES REQUESTED: Permission to -USE-

- 1) Allow 1,623 square ft. of open storage in a R-1-C zoning district. **USE**
- 2) Allow a total of 2,900 square ft. of open storage on a property where the gross floor area of the primary structure is 5,610 square ft.

ORDINANCES and REQUIREMENTS:

Section 7.01 – Uses Permitted: Open storage is not a permitted use in R-1-C zoning districts.

Section 17.02 (s) – Industrial Standards – Open Storage Other Than Junk: ... The designated area may not exceed fifty (50) percent of the gross floor area of the primary structure on the site...

Chairman Nestorowicz said before they begin he just wanted to state, because this is a use variance for item one where they need six (6) yes votes, and he knows they're down one (1) board member. Are they wanting to proceed or reschedule until they have a full board?

Arafat Algahim replied they'll proceed.

Chairman Nestorowicz said to start with name and address and then explain their request.

Arafat Algahim appeared before the board stating he's representing IBB Petroleum and they would like to... 21350 Ryan Road. They specialize in service gas stations. They request the variance to allow outdoor storage for equipment necessary for their construction operation. This includes bobcat, mini excavators, work trucks, interior drums for cleaning water from undergrounds and construction sites. The drums are always empty on their property. Sometimes they just keep it to go into the construction site clean whenever they do gas work, but it's only for water. They use oil to suck it out on site and bring it back to the shop.

Rai appeared in front of the board stating he's going to present 2135 Ryan Road. He just wanted to add that the variance they're looking for, the extra space, because they have these big trucks and excavators they use daily. They don't use it to permanently park there. Everyday the technician, the labor, they come early morning at 6:00 am, take the truck according to the job needed day to day. When they're done at night time they come and park there. It's not permanent and it's already fenced. They already put a fence, it's already secure. Anything the community want, go for a secure fence or make sure the greenbelt. He'll do the greenbelt, everything is

secure. He also wanted to add the property behind, the same property, is owned by the same owner.

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 said they have an impact statement from Planning. Mr. Jerzy, if he could read that in.

Secretary Jerzy said per Ron Wuerth of the Planning Director in the Planning Department.

“The petitioner received site plan approval with conditions for open storage of petroleum equipment, containers and materials on December 2, 2024. The Planning staff provides the following notes:

- Although the residential dwelling to the south is legal non-conforming and zoned M- 1, Planning Staff would recommend screening along the south property line where it abuts residential use. Planning Staff recommends a 6 ft. high privacy fence or a 6 ft. high chain link fence with slats, along with a maintained tree line, such as arborvitaes. This recommendation was approved by the Planning Commission to be included on the petitioner's revised site plan.
- An eight (8) ft. wide greenbelt or 6 ft. high concrete wall would be required where the proposed open storage abuts the R-1-C zoning districts to the north and south. Either the greenbelt or wall shall be indicated on the site plan. This condition was also approved by the Planning Commission to be included on the petitioner's revised site plan.
- Provided that the petitioner complies with the conditions listed above, which shall be required in order for the site plan to be released to the Building Division, review of this request finds no issues to impact the abutting, local or general public.”

Chairman Nestorowicz thanked Mr. Jerzy. The public portion is closed and its open to the board for any question, discussion and comments.

Board Member Watts said the only question he has is that if he understood him correctly, the barrels are bringing back contaminated water from the construction sites?

Rafi explained to clean. Sometimes they clean the outside, so they take the water from the site, not from cleaning the site over there, but it's not contaminated. If it's contaminated, they take it to the oil that takes the contaminated water.

Board Member Watts said that's the only question he had. Thank you.

Board Member Lindsey has a comment. They saw one of these earlier today. Looking at the petitioner property, what they're trying to do with the property is not so much of an issue, but then it's zoned right next to a house. That's a problem that he has. Obviously, that's why they're here for a variance. It just puts them in an awkward position now. They're looking to grant a use variance, but the property is... Why is this property next to houses? It just doesn't make any

sense to him. This is obviously an issue they're going to continue to see. This is the problem with the City of Warren. He doesn't have so much of an issue with the petitioner's request. It's a commercial property, he didn't build that there, it exists there. So, he can get behind it. This is just the problem he has with how it's zoned. He'll yield.

Secretary Jerzy said to the petitioner that they stated they have trucks coming and going at 6:00 am. What kind of trucks are they talking? Big diesel trucks? What kind of?

Arafat Algahim said no just the small ones. The only big one they have is the dump truck. It is not big, big. It's just a small dump truck. The rest are just like regular trucks. Box truck. 250, 350.

Secretary Jerzy said his concern would be having diesel trucks sitting there running.

Arafat Algahim replied no.

Secretary Jerzy said that's the only thing he wanted to clarify. Again, they've probably been here all night and heard his statement about the initial property. It's just, he kind of scratches his head about what the city is doing. This project isn't as bad as long as they keep up their property. Just like any other business owner coming into town. Thank you for taking this lot and transforming it into something, too. The other thing is, it's almost impossible to try and find a use with these things with the residential. Again, let him go on record saying he wishes the city would take steps trying to consolidate these parcels into commercial use zoning district. He knows he cant change zoning districts from up here. He was just taught that today. He just thinks going forward when they're putting commercial use in a residential and commercial, it's just going to add to problems down the road. He thinks this is a good project. Their site plans are really good. He thinks he can probably get behind this one. He'll yield the floor.

Chairman Nestorowicz has one (1) quick question. The back half of the property is going to stay grass and stuff. How far back are they using the property?

Rafi explained the property is all new grass beyond the fence. He means all behind the fence is grass. In front of the fence, all pavement.

Chairman Nestorowicz has no other questions.

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

Motion:

Board Member Watts made a motion to grant permission to:

- 1) Allow 1,623 square ft. of open storage in a R-1-C zoning district. **USE**
- 2) Allow a total of 2,900 square ft. of open storage on a property where the gross floor area of the primary structure is 5,610 square ft.

Reasons being: Doesn't see any reason why this would be a problem.

Board Member Clift supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Watts, support by Mr. Clift to

approve the request for the reasons stated.

Roll Call:

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

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

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

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| 15. PUBLIC HEARING: | APPLICANT: Britt Dresser |
| REPRESENTATIVE: | Brian Liming |
| COMMON DESCRIPTION: | 12500 Nine Mile |
| LEGAL DESCRIPTION: | 13-35-127-006 |
| ZONE: | MZ, M-2, M-3 |

VARIANCES REQUESTED: Permission to

Construct a 21’ x 16’ (336 square ft.) shed, 9’ in height to within 3’ 5” of the front property line along Nine Mile Road to house required fire suppression system pump.

ORDINANCES and REQUIREMENTS:

Section 17.02(a) – Industrial Standards – Front Yards: A front yard setback of 50’ is required in M-2 zones on a major thoroughfare.

Brian Liming appeared before the board stating he’s with F.A. Studio, 26261 Evergreen, Suite 123, representing Britt Dresser with Artist Endeavor at 12500 Nine Mile Road. They’re here to require a variance to allow the construction of a twenty-one (21) foot by sixteen (16) foot fire suppression system pump enclosure, which was approximately 336 square feet and nine (9) feet in height, which will be located within three (3) foot five (5) inches from the property line along Nine Mile Road. This structure is required to support the fire protection system for the existing industrial buildings on the site. Due to the layout of the property, location of existing buildings and operational constraints, there’s not really any practical location outside of the front setback that would allow the system to function properly. Also, the location where they’re requesting is where the current underground incoming enclosure is. This would be right on top of that. Granting this variance allows the property to meet current fire safety requirements while maintaining the intent of the zoning district. The request is driven by necessity. It does not impose any impact or safety or welfare of the current sites and the occupancy of the site.

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

No response.

Chairman Nestorowicz closed the public portion of the meeting. Mr. Jerzy there is an impact statement.

Secretary Jerzy doesn't believe so. There is nothing on this item.

Chairman Nestorowicz was mistaken. In that case, he'll turn it over to the board for any questions, discussion or comments.

Board Member Watts doesn't know if he has any problem with this, but his question is how big is the fire pump. It seems awfully big.

Brian Liming explained it's the size suppression, contractor sized. Also, they are required to have certain accessibility around the pump itself for servicing. That's what drives the size. He believes they (inaudible) down from the original design. They wanted thirty (30) by eighteen (18) or something like that. They've got it reduced to as small as they possibly can get it to be able to meet the requirements needed to service the two (2) buildings.

Britt Dresser, 12500 Nine Mile, appeared before the board. She explained the pump they are installing to update the system will feed both buildings on their plot. The 12500 and the 12800 can be concurrently serviced by the same pump, but... She's trying to think of the right word. Essentially to get the proper volume needed for the type of work they do that would allow it to be fully compliant, requires a pretty robust pump.

Board Member Watts said that makes sense to him. Thank you.

Secretary Jerzy said a robust investment, too. It's kind of a no brainer. It's necessary, obviously, for the safety of the building and the occupants within it. Sorry they have to spend all the money, but it's cost of doing business. He doesn't see anything else, any problems with this. If anybody has anything else to say, he'll make a motion.

Motion:

Secretary Jerzy made a motion to grant permission to construct a 21' x 16' (336 square ft.) shed, 9' in height to within 3' 5" of the front property line along Nine Mile Road to house required fire suppression system pump.

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).

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| Secretary Jerzy | Yes, for the reasons stated in the motion. |
| Board Member Lindsey | Yes, for the reasons stated in the motion. |
| Board Member Assessor | Yes, for the reasons stated in the motion. |

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| Board Member Green | 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 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.

Secretary Jerzy thanked them for sitting through this whole night. They appreciate it.

16. NEW BUSINESS

Chairman Nestorowicz reminded all board members they have an assignment for next meeting. Mr. Green will come up with a sample change for bylaws regarding rescheduling. Everybody else to think about what they would like to see. They can discuss it next month and vote on it at that time.

Board Member Green asked board members to also think about this driveway issue and maybe someways to look at the ordinance that might fit the city better. They can talk about that.

Board Member Lindsey said his comments to the driveway is he thinks the city has an ordinance. He would say that's what the city wants and the ordinance is don't extend the driveway passed the garage. They see over and over. They don't ever see requests for them to install a driveway. They don't ever see requests for them to install a driveway. They see requests to retain the driveway. That's a problem he's having. Let him see the plan, talk about it. That's his thought. They can talk about it next time, too.

Board Member Green said all do respect, they drive down the street seeing driveways that are everywhere. What they're doing is not working. It sounds good to say that, but what they're doing is not working. Maybe they need some changes.

Board Member Watts said here's the danger with that. Like he said earlier, they're going to end up with yards being parking lots. This is dangerous. Very dangerous. They have a two (2) car garage. Most cases have places for two (2) cars in the front. They should be able to get four (4) cars in the driveway and they should be able to park a car or two (2) in front of the house if they have six (6) cars in the house. He had four (4) cars at his house at one time and they parked two (2) on the street. No big deal. He doesn't understand why people think that they're going to do this and Mr. Green made a good point. They have a lot of people running businesses and they got people putting five (5) or six (6) families in a home. That's why they're ending up with all these cars. Everybody thinks that it's ok to just do it and ask for forgiveness. They have to stop that. He doesn't care, with all do respect to their friends there in the zoning department, he doesn't care if they're understaffed. That's not his problem. City council and the mayor need to budget that. Get the people in there. They know they've been understaffed for a long time. That's not fair to them, but he can tell them this. He talked to Steve about this. Leaving his house at Common and Hayes and driving to Fourteen Mile, he can give them twenty-five (25) violations. Part of more parking between the curb and the sidewalk. The other part is the expanded concrete that never got a permit. Some of it is fairly new. They should be dealing with that. He watches these Facebook pages for Sterling Heights, Roseville, Eastpointe and all that. People are

blowing their minds in Sterling Heights and Roseville about getting tickets and violations. He doesn't see many people complaining in Warren because they're not doing it. They just have to stop the ask for forgiveness stuff.

Board Member Green joked about parking cars on the sidewalk.

Board Member Watts doesn't prolong it but it gives the city a trashy look. They just have to clean it up. For those of them that have been there forever, maybe they were here when it was horse and buggies, the place is not looking like it used to. They let people get by with this. They have to take care of it and clean it up. That's their job to clean it up.

Chairman Nestorowicz wanted to quickly add, speaking of Sterling Heights. Warren doesn't have to recreate the wheel. Sterling Height, a number of years ago, the city council voted where people that had existing expanded driveways basically got grandfathered in and approved. Then they made it very clear directions of what they do allow and going forward they had to have the permit. If they don't have the permit then they tear it out. Those people that had it in for years and stuff, grandfathered those in. Need a city to take a direction. Sterling Heights has certain conditions where they allow expansions of the driveway. He doesn't remember all of them right this moment, but that's the kind of direction they need.

Secretary Jerzy said following up from last meeting when they talked about the overlay district. He doesn't know if any board members had any comments or concerns that maybe they want to send over to council, a recommendation, to vote on. What they might want to see changed regarding that and just kind of their recommendations. Can't say they're going to implement it, but at least as a board maybe they have some kind of say of what they feel about the matter and the direction they would like to take it.

Chairman Nestorowicz said if they wanted to try to put something together. If people wanted to email their comments, he could try to consolidate everybody's comments into one document. They can look at that under new business next month also.

Board Member Cliff thinks it's a matter as a board figuring out what direction, what do they want to see come of that. Do they want to continue to have to look at every single thing that kind of goes around just so it manages to fit into the city's vision of these overlay districts? Or do they turn up the heat a little bit on the administration and say they just need to have their ordinances fit what it is they want to see happen. He doesn't understand how they want to talk about bringing something kind of new or different in to fit with the master plan, but not legislate properly. Put the ordinances in place properly. It just kind of baffles him a little bit. They're going to keep hearing it from him as long as he sits up here. He'd really like to see some meaningful progression and change to reduce the burden of what it is this board has to execute once or twice a month. Realistically a lot of their neighbors don't have to endure or go through because they've kind of kept up a little more with the times with their zoning and actually allowing some administrative decisions to be made to take it off of the table. With that he would like to see a little bit more interaction with the actual Planning Commission to express some of the things that they're seeing here to them to ask some more pointed questions. This board has come a long ways since he first sat down here how many years ago. Three or four? It used to just be somebody who stood there, said their story and things happen. Now people are asking questions and that's good. He thinks they're at the point now where the administration has to go what and

notice there is a lot of stuff going on here that a lot of other places don't have to deal with and maybe they kind of need to get caught up just a little bit. He enjoys discussing those kind of things, where do they want to go. How much impact are they going to actually have by requesting versus their actions up there has yet to be seen. With that he'll yield the floor.

Chairman Nestorowicz asked for a motion for adjournment.

17. ADJOURNMENT

Motion:

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

Voice Vote:

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

The meeting adjourned at 9:55 p.m.

Paul Jerzy
Secretary of the Board

APPROVED