

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
MARCH 11, 2026

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, March 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
David Sophiea (Arrived at 7:21 pm)

Members of the Board absent:

None

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

Chairman Nestorowicz said before they move to make any motions to adopt the agenda, he just wanted to state, since they are down one (1) board member. He sees there are four (4) use

variances on the agenda today. Numbers 8, 9, and 12 and 13. A use variance they need six (6) yes votes instead of the normal five (5). He wanted to give those applicants an opportunity if they wanted to reschedule, they can approach the podium and ask for a reschedule to their next meeting. Or if they are fine with them proceeding, no use in approaching the podium.

No response.

Chairman Nestorowicz said they can move forward.

Motion:

Secretary Jerzy made a motion to adopt the agenda as written; Supported by Board Member Assessor.

Board Member Assessor supported the motion.

Voice Vote:

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

5. APPROVAL OF THE MINUTES – Regular Meeting of January 14, 2026, February 11, 2026 and Special Meeting of January 28, 2026.

Motion:

Secretary Jerzy made a motion to approve January 14, 2026 and January 28, 2026 minutes and table the February 11, 2026 to April 8, 2026; Supported by Board Member Clift.

Voice Vote:

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

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| 6. PUBLIC HEARING: | APPLICANT: Waynecraft Inc |
| REPRESENTATIVE: | Jason McFall |
| COMMON DESCRIPTION: | 26689 Tom Allen |
| LEGAL DESCRIPTION: | 13-22-201-009 |
| ZONE: | R-1-C |

VARIANCES REQUESTED: Permission to

Install a 6' x 22' 6" (135 square ft.) awning over the front porch to within 20' of the front property line along Tom Allen Drive.

ORDINANCES and REQUIREMENTS:

Section 4.06 – Yard – USE: No part of any required yard, except a rear or side yard shall be used for any detached garage or any accessory building other than 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.

Chairman Nestorowicz said to start with name and address for the record, then explain the petition to the board. Is the green light on the microphone?

Jason McFall appeared before the board stating he's with Waynecraft, 13525 Wayne Road. He's here to request a variance for an awning to go back up on the front of this home. There was an awning at one time when siding and other items were replaced on the house. The homeowners had left it off. This would be putting it back up. The neighborhood also has other awnings that do not comply with the setback ordinance. It looks like they have been there for quite some time. The owners just wish to have the structure back up again. It's not a very large one, but it does offer them some shade when coming in and also for just not getting wet or damaged.

Chairman Nestorowicz said this is a public hearing. Are there any members of 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.

Board Member Clift said good evening. Looking at the packet on that, no overhang from the edge of the porch, it's flush with the front wall of the house to the edge of the porch. Just replacing what was there before.

Jason McFall replied correct, yes.

Board Member Clift thinks it's a no brainer. He has no issue with that. Thank you.

Secretary Jerzy echoes the same sentiment as Mr. Clift. Given the nature of that neighbor with hardly any trees and stuff, too. It almost seems necessary. If no other board members have anything else to say he would like to make a motion.

Motion:

Secretary Jerzy made a motion to grant permission to install a 6' x 22' 6" (135 square ft.) awning over the front porch to within 20' of the front property line along Tom Allen Drive.

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

Board Member Clift supported the motion.

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

Roll Call:

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

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

Board Member Watts
Chairman Nestorowicz

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

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

7. PUBLIC HEARING: **APPLICANT: Mashhud Uddin & Mamun Uddin**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 25710 Ryan
LEGAL DESCRIPTION: 13-20-302-008
ZONE: R-1-C

VARIANCES REQUESTED: Permission to

Retain hard surfacing in the front setback to within 19' of the west property line along Ryan Road and to within 19.5' of the south property line along Marr.

ORDINANCES and REQUIREMENTS:

Section 4.06 – Yard – USE: No part of any required yard, except a rear or side yard shall be used for any detached garage or any accessory building other than 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.

Chairman Nestorowicz asked them to start with name and address for the record, then explain the request today.

Mamun Uddin appeared before the board, 25710 Ryan Road. The inspector told him to remove the cement work from the front yard of 25710. When they bought the house they saw the cement work and it was very nice. That's why they bought the house. They ride their bike in there.

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

No response.

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

Secretary Jerzy asked if this condition was already there when he purchased the property, correct. Self-existing when he purchased the property. Actually, the selling point for purchasing the property, right?

Mamun Uddin stated it's how they bought it. It looks really nice and everything. Nobody had complained. They're good with the neighbors. No issue, no blockage with the path. They don't see any issue.

Secretary Jerzy said real quick to Steve. You know, he feels like with these items they're treading down a slippery slope. Between people are putting in stuff, things that are self-existing, pre-existing. They look at the overhead view of the map and they had the house right on Marr almost looks like they can land a plane on his driveway. He just kind of wants to know what's the city's

thoughts about moving forward with this. They could probably hear one (1) or two (2) of these a meeting for the next twenty (20) years and not cover the whole town.

Steve Watripont explained if there was prior permission or permit on it then it would be nonconformity and they would be able to keep it until they replaced it and went that way, but there is no permit required for it. Anytime they get a complaint, they're moving on them. Then they have the option to either put it back or come before the ZBA.

Secretary Jerzy understands that point. He thinks there has to be a better remedy somehow before instead of this keeps coming before the board. He would like to see the city try to figure out a solution to anything that is pre-existing and out there. He has neighbors in his neighborhood that have had extensions forever, like forty (40) years. He doesn't know what the proper recourse is for this going forward, other than maybe to grandfather everything in and then anything passed that. He doesn't know what the solution is, but if they don't hear another one of these a meeting they're going to end up denying everyone and making people constantly rip out their side setbacks and things of that nature if it's extended in. He just thinks they're creating an upsetting thing for residents.

Steve Watripont explained they cannot create a grandfather.

Secretary Jerzy knows he can't

Steve Watripont said the ordinance is there. If there was anything, the city council would have to do something saying anything done before a certain date would be.

Secretary Jerzy understands his department can't do anything. He thanked him for clarifying that for the record, too. He just figures there has to be a better solution for this going forward. With that, he'll yield the floor.

Board Member Clift wanted to make a comment on. So, national best practice is in situations like this usually don't... The homeowner is not held accountable or liable for things like this if he purchased it when it existed and it was in existence when he purchased it. Unless it's a severe detriment or safety issue of notwithstanding, usually these things would kind of fly through. When did he purchase the property?

Mamun Uddin replied twenty-four (24).

Board Member Clift asked what month.

Mamun Uddin replied July.

Board Member Clift asked summer of twenty-four (24).

Mamun Uddin thinks the structure has been there close to ten (10) or fifteen (15) years.

Board Member Clift said the concrete has been there a minute, a little while. He travels through there pretty regular. This isn't a situation where somebody just skirted the rules, did whatever they wanted to do, now they're coming here with their request asking for forgiving and keep it or

whatever. He's inclined to vote in favor of this just strictly because of the fact that what common best practices do. He doesn't feel it's a detriment. He doesn't think it's a distraction, not a safety hazard and it existed before the gentleman bought the home. He just wanted to chime in. He'll yield the floor. Thank you, sir.

Board Member Watts said here's the concern he has with this stuff. One, he's reading this and the kids use that as a playground. Now, in his brain, there's a huge yard there. Fenced in yard. That would be much safer for the kids to be playing in rather than on a main four (4) lane highway, roadway. That doesn't make any sense to him to play out there like that. The other problem he has with this. The next thing you know, they keep letting these things go and there's plenty of them in the city that have been addressed and there's more being addressed. These things are turning into parking lots. That's not what the front yard is designed for. You know what he means. He doesn't care if somebody put it there and they didn't have a permit. That's not their problem. Their problem is to enforce the ordinances. That's exactly what they're doing. So, he's going to be a no vote on this. He thinks it's a detriment and it needs to be resolved before it turns into a bigger problem. Thank you.

Board Member Green said they've had multiple discussions on the driveway issue. Part of their original discussions if board members remember is that the community reflects a certain community. Its based on how houses were built, how the streets were built. Just the way it is from the late '50s and early '60s. They've seen a change recently, very recently, where they've seen people paving their entire front yards. As their discussion went on they established there was a couple things going on and they can see it on any street if they pay attention. They have either people working out of their houses. They've had a few up there where they had them taken out because people were working out of their houses. They've had issues with multiple families. He's not talking about someone's uncle or someone's grandparents; multiple families. It changes the complexity of the community. It's the result of these ordinances being in place and not being executed. He sees it differently. He sees that they have an ordinance in place. If they change the ordinance, it's not going to make a difference because there's not that much leeway to change an ordinance for a driveway in Warren. There's just not that much room. So, for them, it's a matter of they look at it and if they think, like some board members already today, think this is not an issue because of the fact that its been there for a long time or they don't see where it can be a detriment to the neighborhood. Then that's what they do and vote on those. He's afraid if they start using how many people come up here with these driveways as their criteria to decide how they're going to move forward on these variances. He can bring up with five (5) or six (6) different items that aren't driveways that are going to fall into the same trap. Personally, he thinks they deal with the ones they have, vote on them the way they are. When he sees ones that cover the entire front yard, he's a no vote. He'll be a no vote on this particular one because it covers the whole front yard. That's his thinking on that.

Chairman Nestorowicz thanked him. He just wanted to chime in with his comments on this one because he's always torn on these and he always tends to try to make a differentiation within a subdivision where people can park on the street in front of their house and have room for that, he would not be in favor for something like that. When they're located on a street like Ryan, which is a high speed road, they can't have anybody park in front of their house. So they can't turn around easily. He tends to favor those more. What he would love to see is their city council to do is for them to look at the driveway ordinances. As he researches other cities, there are cities that actually say that if they're located on a main street with no parking they can have that

little extension to help with turnarounds. Even though it may go beyond the garage, they allow that. Its like their ordinance has not changed since who knows when. They don't take into account some houses are located on streets where the speed limit is forty (40) or forty-five (45) and cars are going by. It's like, so, in this case since it was existing, he also wishes their council could actually come up with a better classification of what they want for driveways. Then they could just grandfather in everyone that has existing but then make it very clear. If they put something in after this, then they have to tear it out. That's his thought.

Board Member Green said they all become nonconforming uses. If they use that grandfather word to grandfather things in. He thinks that creates another issue. He sees where he's going, but the fact of the matter is that the ordinance doesn't say that. At this particular time, they're sitting up here voting on the ordinance they have in front of them.

Board Member Cliff has one other small point. So, they're supposed to be up there as a representative of both city interests and petitioner's interests. He just going to stay this in the manner that he's going to say it. If they're a home purchaser and they buy something and something is already there and it's not really supposed to be there and a quasi-judicial board orders them to take it out and remove it, he thinks based on his previous experience and exposure to situations like this, he thinks that this is a good case for overturn of a decision at the appellant level for this particular incident. He made his comments through the lens of expenditure, not only, he can't only take the expenditure in consideration for the resident, but he has to take that expenditure that might be expressed through an appellant process that the city is going to expend on something that may be determined to be a commonsense decision based on the facts of the circumstance. He's going to yield the floor.

Board Member Green said to finish it off, Mr. Chair. He'll add in that sense that they can't make decisions based on if someone is going to sue them or not. That's bad practice.

Chairman Nestorowicz agrees.

Jennifer Pierce has a point of order and a reminder. She's heard several comments that they're deciding on the ordinance. The ordinance doesn't allow for it, that's why this gentleman is here seeking a variance. Their job is to, and she knows they've seen many petitions with this particular issue, but their job is to decide each petition on its own merits. Not as a single issue. If this petitioner has met the practice difficulty standard in his petition, then legally the variance should be granted. If he has not met the practical difficulties standard, then the variance should be denied.

Chairman Nestorowicz wanted to state for the record, Mr. Sophiea did arrive.

Board Member Lindsey appreciates madam attorney's comments. His thought process is along the same thing. When he looks at this variance request, he understands the situation that the petitioner is in. It certainly could relate to if he bought a house and then he's kind of forced, if the board votes no on this, to rip the driveway up. That would be unfortunate. He's looking at the requirements of being granted. A practical difficulty, he thinks the petitioner meets some of them. Obviously, this would create a burden and an unreasonable burden at that for him to have to rip it out. It's not self-imposed. He also does see that it is a detriment. He doesn't know what's going to happen with this driveway. It's rather large and excessive. It could turn into a parking lot, so

that is a concern of his. He doesn't think the petitioner meets that requirement of the practical difficulty. He doesn't think it's necessary either. Again, if they're looking at this on an individual case, he can understand being on a large main road. The need for an extended driveway to some degree. This is rather excessive lot and he has major concerns about what it could potentially turn into. Not just for this owner, but any owner that moves into it in the future. So, his opinion, he doesn't think the petitioner meets the practical difficulty standards so he's going to be a no vote for those reasons.

Board Member Watts has a question for Mr. Watripont. It's been a couple years since he bought a house. When houses change hands when they sell, do they go through a Certificate of Occupancy? Or compliance or whatever.

Steve Watripont explained only if they're posted vacant. In Warren, most houses are not required to upon a sale. Usually, it's been posted vacant. If it was just posted vacant during a sale, they have removed some of those as well.

Board Member Watts said as he stated before, he agrees with Mr. Lindsey. At some point, there's plenty of room to turn around with the yard size. He's just very concerned that they're going to wind up with multiple cars parked out there. That stuff is spread throughout the city and they have to be careful with that. Their job is to look at the ordinances and see if they fall within that for the variance. A lot of these, they really don't fall within that. That's the way he looks at it. He has nothing else. Thank you.

Steve Watripont asked if he may expand on that. If they have to go through city certification, it's usually after the sale has taken place and they are the owner, because they bought a vacant property. Very rarely do they inspect it prior to a sale also.

Board Member Watts said in that particular case going forward, if that would have been caught, too.

Steve Watripont said that would have been caught when they go out at that point.

Board Member Watts thanked him.

Board Member Lindsey would like to give everybody the opportunity to speak, but if there's no other comments he'll make a motion.

Motion:

Board Member Lindsey made a motion to deny the permission to retain hard surfacing in the front setback to within 19' of the west property line along Ryan Road and to within 19.5' of the south property line along Marr.

Reasons being: Detriment to the area; Not necessary for the property.

Board Member Watts supported the motion.

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

Roll Call:

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

Board Member Lindsey	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 Green	Yes to deny.
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.
Board Member Clift	No, doesn't think that's best practice for a property owner that took possession of a nonhazardous situation to be forced to remove it.
Secretary Jerzy	No, simple fact of this situation, it wasn't self-imposed, the property owner bought the property as is. Doesn't believe it will be a detriment to the area, meets all 5 criteria.
Board Member Sophiea	Abstained.
Chairman Nestorowicz	No, met their hardship requirement and it's not a detriment.

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

Chairman Nestorowicz said they can talk to their Building Department for next steps.

8. PUBLIC HEARING: **APPLICANT: Gabrielle Loving -USE-**
REPRESENTATIVE: Debra and Gabrielle Loving
COMMON DESCRIPTION: 11662 Martin
LEGAL DESCRIPTION: 13-14-301-113
ZONE: MZ, O, P

VARIANCES REQUESTED: Permission to -USE-

Petitioner seeks a use variance to allow C-1 use of a salon in a O zoning district. **USE**

ORDINANCES and REQUIREMENTS:

Section 13A.01 – Use Regulations, In O Districts: Salon's are not a permitted use in O zoning districts.

Section 13.01 – Uses Permitted: Salon's are a permitted use in C-1 zoning districts.

Chairman Nestorowicz asked them to start with name and address for the record and then explain the request.

Debra Loving, 11662 Martin, appeared before the board.

Gabrielle Loving appeared before the board.

Debra Loving explained the request is, they have a very small salon that's inside the building. Her business has been in Warren for about fifteen (15) years now. It's a counseling agency. During covid, they made a decision to take on a bigger property. Within that property the hope was, like she said, traditionally it's a counseling agency. They are kind of looking at the holistic

approach; mind and body. So, when they purchased it, it's not even... The section of the building that she uses, the building itself is about 6,300 square feet. She currently has about 720 square feet, which allows, if the board was familiar during covid, any salon had to have its own individual type of pod. It has its own little area. Three (3) rooms that used to be like dental office rooms are now individual for a hair stylist to be in there. Then there is one (1) room that is for an aesthetician. When she took on the building that was the hope for it. They were never told anything different. The building has already gone through the Certificate of Occupancy. Everybody has gone out; electrical and all those things have already been approved. What she's really is saying is that her understanding with the gentleman she spoke to from the city said that somebody would go and survey it. They would see the building prior. However, if they haven't they do have a couple pictures. So, it doesn't change aesthetically the outside of it. It's not a Super Cuts, it's not BoRics, it's not on that scale. It's very intimate, very personal. It helps her employees. She has about twenty-six (26) clinicians that work for her. It's easy for them to do some self care while they're there. They have next to them another building that imitated the look of her building. It's supposed to be a law office, so she figured it would probably be helpful to them. It would be helpful to individuals. They have a lot of apartments, if they're familiar with the area. It's in walking distance. It doesn't change the outside. It still is operating even though it's an O district that they're in. It operates the same as they do. It's very small, it's by appointment only. They have the parking for it. They have twenty-six (26) or slots, or parking spots. That's not including her neighbors other side. She didn't include his, just included her half of the parking lot. So, she feels that it adds value. It's not taking away, there's not going to be a hot pink neon sign outside that says come get curls. They wouldn't even know that the salon is there if they're actually not a client of hers or a couple young ladies who are waiting to get come aboard. She's very new to this, so she doesn't know if she missed anything, if she should cover something. Please ask her questions, because she doesn't want to mess herself up by being nervous.

Chairman Nestorowicz said not to worry about that. They all get nervous about that stuff. He 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 turned it over to the board for discussion.

Secretary Jerzy said she did a great job and to not be nervous. They're running into this situation around town where they're running into more office buildings, O districts are staying vacant, being re-conformed into different uses and things of that nature. It seems like in town they have an over abundance of office buildings. He thinks this is very low impact use for this property. Again, the criteria he usually goes with for a use change is can that property be used currently as zoned. With his previous argument with there being so many office buildings remaining vacant, he doesn't necessarily know if they could use it as an office space, but what's the likelihood of getting an office put in there. Especially where it's located. It's not on a high volume area, like on a main drag or anything like that. He thinks this is a very well put together proposal. She's taken into account her neighbors. Her neighbor seems to not care because he's not here expressing any kind of concern whatsoever. He thinks this is one use he could probably get behind for the simple fact of trying to convert old office buildings into some kind of better use around town. With that he'll yield the floor.

Board Member Lindsey agreed. Nice job on the presentation. In her packet she listed the services to be rendered. What is eyebrow tinting?

Gabrielle Loving explained it's literally coloring on the eyebrow.

Board Member Lindsey asked with a brush.

Debra Loving said no needles involved.

Gabrielle Loving said it's not microblading. It's like face paint.

Board Member Lindsey said that answered his question and thanked her for clarifying.

Gabrielle Loving said no needles or any of that.

Board Member Lindsey said he's sure his fellow board members know why he's asking that question. They've seen a couple of these. He doesn't think with the services being rendered, this seems to be more hair treatments, that type of thing. He doesn't have an issue. He, obviously, when considering a use variance, and it's for them to understand, maybe they'll hear more comments for the board. Use variances they take very seriously because they're going to carry with the property and it's going to allow any type of similar service to come in when they don't occupy the building. They've had stuff before that are more tattoo shops that they want to be very careful. That's the point of his question and why they take the use variances so seriously and consider everything that's going on. When he looks at this, he doesn't see any issues. He agrees they have a lot of open buildings. He doesn't see any detriment here. He'll support this.

Board Member Watts asked that they had part of the building for the counseling correct.

Debra Loving replied correct.

Board Member Watts asked if she took over more of the building to add the salon.

Debra Loving explained she took over the whole building. It's on a land contract with the gentleman who owns it. In ten (10) years she'll own the property. Just being quite honest with the board, like she said, she's been in the mental health for fifteen (15) years. They have twenty-six (26) offices. So, it's hard to keep somebody there for the duration. Say the business is open for thirty (30) years. She's not going to keep a practitioner there for thirty (30) years. She does a lot of new clinicians coming out of school. They have a sometimes three (3) year turnaround if she's really like a five (5) year turnaround. It's really hard to fill up all those offices. The original thought process was that she was coming out of school and they really wanted to be able to offer extra to their clients. One of the things her daughter does is ABA as well. She works with autistic children. She does haircuts for autistic kids. Her clippers are sensory sensitive. It was really looking at it for a holistic approach. As the other gentleman said, it's going to be hard for her to continually try to keep all those offices filled. That's why the small section she has is 700 square feet is used for that purpose. She doesn't know if she answered the question or not.

Board Member Watts said kind of sort of. That's ok. Here's his situation, as stated, when they do a use variance it follows the property. Let's just say she sold the place in five (5) years. Then

that follows. That wasn't the intent of that zoning to have that there. He knows it's a fine line, he gets that, but he's always concerned about what happens in the future when they place something like that.

Debra Loving is trying to build somewhat of a little legacy for her family. Selling the building is not an option.

Board Member Watts understands that. When she did her land contract, trying to figure this out here. He's assuming she did the land contract before deciding to add the salon, correct?

Debra Loving did it with the condition that it would be ok.

Board Member Watts said the person she bought it from didn't tell her that she couldn't do that under that zoning.

Debra Loving said no, maybe they weren't aware, but Gabrielle wants to add.

Gabrielle Loving said in the aspect that she did sell it, the side of the building that she occupies, all the walls are up so it's still sectioned out. The only thing missing would be doors for that section to be individual offices.

Board Member Watts understands that. He's more concerned about the zoning and how its effecting moving forward. That's what they have to be concerned about. He doesn't have any problems with the business at all. He's worrying about the zoning.

Debra Loving asked if it's possible to add in the notation here that in the event they ever sold it, take the hair sinks out. It's the only thing that makes it somewhat a salon would be the hair sinks. Take those out, and then they just have office space again.

Board Member Watts is ok. Thank you.

Secretary Jerzy said just to clarify what the petitioner just stated. The zoning will go with the land permanently, forever. It doesn't matter if they pull out a sink or anything like that. If they grant a C-1 use to that property, it goes with the property forevermore. It's infinite until it gets somebody else who wants to come in like herself and wants to change it back to an O or whatever and go through the process. Once they grant that, anything that's classified as C-1, it's a various, you know.

Chairman Nestorowicz explained it doesn't change... they don't... It's not making that building a C-1. It's just allowing them to have a salon there. No other C-1 use can be done there.

Steve Watripont explained the only use that can be done there with this variance is a salon. It's limited to that use only, other than O uses.

Secretary Jerzy thanked Steve for setting him straight. And Chairman Nestorowicz.

Board Member Sophiea understands the property is zoned O. He also understands having four (4) salon chairs is a pretty light intensity for calling it C-1. He personally doesn't have a problem

with this petition. He can get behind it. If there's no other comments, he would like to make a motion.

Motion:

Board Member Sophiea made a motion to grant the petitioner to allow C-1 use of a salon in a O zoning district. **USE**

Reasons being: Not a detriment to the area; No self-imposed.

Secretary Jerzy supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Sophiea, 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 (9 – 0).

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

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

- | | |
|---------------------|---|
| 9. PUBLIC HEARING: | APPLICANT: Renee Schroeder -USE- |
| REPRESENTATIVE: | Christine Moilanen & Renee Schroeder |
| COMMON DESCRIPTION: | 15078 Thirteen Mile |
| LEGAL DESCRIPTION: | 13-12-230-044 |
| ZONE: | MZ, C-1, P |

VARIANCES REQUESTED: Permission to -USE-

Petitioner seeks a use variance to allow the C-2 use of permanent make-up services (tattooing) in a C-1 zoning district. **USE**

ORDINANCES and REQUIREMENTS:

Section 13.01 – Uses Permitted: Permanent make-up services (tattooing) is not a permitted use in a C-1 zoning district.

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:

- (e) Theaters, public assembly buildings, bowling alleys, catering establishments, parking lots, publicly owned buildings, conservatories, sales and show rooms, studios, mortuary establishments and tattoo parlors.

Renee Schroeder, 15078 Thirteen Mile, appeared before the board introducing Christine Moilanen. She is an aesthetician, licensed aesthetician, that they are seeking to have. She thinks what they're looking at in front of them says for the salon at 15078, but they're really just petitioning for the room inside there. It's about 200 square feet to be a use variance for a C-2 so that they can do permanent makeup in the salon. She has been a business owner in their city for twenty-six (26) years and she's never had anything like this come up. This is kind of a newer thing, but it is in high demand and she just wants to be able to continue her business, stay current and be able to finish out her career in Warren.

Chairman Nestorowicz thanked her for that explanation. This is a public hearing. Is there anyone in the audience wishing to speak on that item? Approach the podium and start with their name and address and then what their comments are. If the petitioner will step aside to let this audience member speak.

Laurie Mollace, 31491 Edwood, appeared before the board stating she has been a customer of Renee's for more than twenty (20) years. She's utilized her location when it was over near Hoover and now at the new location. What she would like to say is, she would like to utilize permanent makeup and go to a place that she trusts rather than go some place she doesn't trust. Renee runs a very well ran business, it's clean, it is nothing like a tattoo parlor. She just wants to make that real clear. Not only does she utilize her salon, her mother, her sister, her daughters and her granddaughter have utilized that salon. It is a family business. A well trust establishment. That's all she wanted to say.

Chairman Nestorowicz thanked her for those comments. There is one more person coming down.

Carol Thompson appeared before the board stating she lives in Chesterfield. She does drive out to Renee's salon for fifteen (15) years now. She is also a fellow businesses owner and she knows how important it is to keep revenue dollars here. She thinks it's important for her to stay current off services that could help a lot them.

Chairman Nestorowicz asked her to add in her address.

Carol Thompson said 52471 Mary Martin Drive.

Chairman Nestorowicz said there's one more person coming down.

Mary Swolski appeared before the board 32230 Newcastle, stating she's been going to Renee for over fifteen (15) years. She's had many services already done there. She currently doesn't do permanent makeup, however, she thinks if she ever chose to do that she would want to go there. She respects Renee, she trusts Renee. She thinks the community is a well loved salon and an additional service that could be added; beneficial to the community.

Chairman Nestorowicz thanked them for their comments. He didn't see any other audience members and closed the public portion of the meeting. Turned it over to the board for questions and discussion.

Board Member Watts asked how long she's been at that location.

Renee Schroeder stated she has been at the Thirteen and Hayes location for just over six (6) years. Thirteen and Hoover prior for twenty (20) years.

Board Member Watts lives right around the corner and it's always clean, looks good. She did a great job recruiting those customers to get in here tonight. The only problem he has with this is it falls out of the zone. They had one other one they had a problem with. He doesn't know how his fellow board members are going to feel, but he's not sure where he's at either.

Renee Schroeder said that's why she chose. She was present for that last board meeting. Well, she watched it, she wasn't actually here, but they don't want to... She's fine with not doing the use variance for the entire building, because if the day ever came and she did close up the shop or whatever, she knows they're worried about a tattoo parlor or something like that coming in. The room that Christine would be using is very small. There's really not much else that could be done in that room. No more room than two (2) people. One laying on a bed and her to stand. Other than that, that room is very small. She doesn't see anything... It's even too small for a massage room. There's really not much else that could go in there. She was hoping that would ease their mind about becoming a tattoo parlor, if she was ever to close up.

Board Member Watts understands that. Obviously, he knows nothing about makeup, but he would assume this is a fairly new procedure that's a happening thing now. They would want to stay current. Is that what's going on?

Renee Schroeder replied yes. It's been around for a while, been doing it since 2019. She is a licensed aesthetician and instructor. She used to teach for a while and she started out in the PMU business, now she's ending going back to that almost full time. Just because there is such a high demand for it. It's not just for cosmetic purposes. She has a lot of clientele that come to her for reasons like they lost their eyebrows and hair. Clients with alopecia that no longer have hair and are drawing on eyebrows and eyeliner and everything every day. Even thyroid issues can cause hair loss for women. As they get older, they just lose their hair. She doesn't know why. Men grow it, women lose it. If any of them are husbands out there, and are watching how long it takes their wives to draw their eyebrows on, just think how quicker they could get out the door if they had it actually permanently tattooed on their face. A lot of husbands do thank, because they do come with their wives, and say she saves so much time.

Board Member Watts appreciates the education on that. Thank you.

Chairman Nestorowicz wants to add a couple quick comments. First of all, it's always been his feeling that the difference between C-1 and C-2 is so minor that he almost wishes they had just a C zoning in the city as opposed to the differentiation there. He means, the salon looks great when he drove by it. You know, it's always been very clean, very looking good. He just wanted to verify on the record, if he could ask the attorney a question. So, if they say they are in favor of this. Their motion, as long as it states it's for permanent makeup services, would that alleviate the fear that some board members may have that it could become a tattoo parlor?

Jennifer Pierce wanted to Steve to correct her if she's wrong, but she believes the classification of tattoo within that grouping is because of the needle use. Correct?

Steve Watripont said that is correct.

Jennifer Pierce said in her opinion they have a couple different options. They can limit it as permanent makeup and specifically state not a tattoo parlor, they can also limit the square footage of that building that can be used for that use. That would limit the options of other types of services going in there.

Board Member Lindsey thanked him for asking that question, because as Ms. Schroder is aware, that is their main concern. The potential tattoo parlor moving in. If she heard the last meeting they had, that's where the board sits on it. Again, when they consider granting a use variance, it sounds like they have a wonderful business. He thinks it's something they would love to see, she's doing a great job. Twenty (20) years from now, who knows what's going on. Her building is right next to houses. They want to be very careful. Obviously, nobody in the room would want a tattoo parlor right next to their house. That's what they're trying to figure out right now. If it is just her group doing business, he's 100% for it, but there's a lot more that comes into them making that decision. He's much more comfortable from what the attorney is saying they have the option to do. He does have one question, Mr. Watripont it's for him. He understands they're looking just to have this in one little subset of this building. He doesn't see anything in the actual variance request saying that it's sectioned off. Is this for the whole building if they grant this. Where do they stand?

Steve Watripont said as it stands, it's written for that address of the building.

Board Member Lindsey said the whole building.

Steve Watripont explained there's multiple addresses on that building. It would be just this address of that building. Unless they expanded it more or made it less. That would be up to the board to put conditions or relieve conditions on that if they wish.

Board Member Lindsey doesn't see that the address is broken out into three (3) or four (4) suites or anything like that. How large is the address? The square footage of the whole address?

Renee Schroeder explained originally it did have two (2) addresses. She rented both sides, the post office made her choose an address. Technically, it is two (2) store fronts, which is now 2,400 square feet, but they would have been 1,200 and 1,200 if they just used the address that they have on the paper. The room that she would be utilizing is probably not even 200 square feet. She's good with anything. She couldn't move something like this out into the salon. It is in a closed room. For health reasons, that room has been totally redone. The health inspector from Macomb County has already been out. Her salon is not approved for that. That room is approved. So, it's literally only 200 square feet. If they need an address, she guesses it would be 1,200 square feet because it is two (2) separate buildings. It will be leased out as two (2) separate buildings if she were to ever leave.

Board Member Lindsey said that answers his question. Thank you.

Steve Watripont said there's multiple addresses in that building. It's based on the suites. Rather than having suite numbers, they are assigned addresses by the Engineering Department.

Board Member Lindsey said it sounds like they do have some flexibility to put conditions around this. If that's the case, he would definitely be in favor in a condition around limiting this to permanent makeup and being very specific that it can't be tattooing in the future. Since they have the option, to limit to 200 square feet.

(Inaudible)

Board Member Lindsey said that's fine. To give them some room to grow into. He's ok with that. He wouldn't want any risk of 1,200 square feet and then boom, it's the whole building. That's where he stands and yields the floor.

Chairman Nestorowicz asked for any other questions or discussion.

Board Member Cliff loved what his colleague Mr. Lindsey is talking about and what he's saying, but at the end of the day, the state doesn't differentiate between permanent makeup and standard tattooing. He thinks it's just a little bit of a slippery slope until their city ordinances catch up with the times and draft appropriate ordinances for the definitive distinctions between the services or the state licenses them separately. That's his only concern. He yields the floor.

Chairman Nestorowicz thanked him and asked for any other comments from the board.

Motion:

Secretary Jerzy made a motion to grant permission to petitioner seeks a use variance to allow the C-2 use of permanent make-up services in a C-1 zoning district. **Up to 300 square feet of said property. USE**

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

Board Member Perry supported the motion.

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

Board Member Lindsey asked if he could clarify the motion before they vote. Is there a condition that it can only be used for permanent makeup.

Secretary Jerzy said permanent makeup services.

Board Member Lindsey asked if they should state that in the motion. He knows he didn't read it.

Secretary Jerzy said if he wants to make an amendment to it, that's fine. He's open to that. He just put the 300 square feet to try to alleviate having to put tattooing in the language. If he wants to add that they can.

Board Member Lindsey said he knows he didn't add the language as it's read. He guesses to the attorney, he just wants to make sure that how it's read is actually prevent any tattooing in the future to becoming under this variance.

Jennifer Pierce said the phrase tattooing, this is where it gets a little bit complicated, because she thinks this is considered tattooing, but it's not in the traditional sense. She thinks leaving it as permanent makeup as opposed to... She thinks if they say permanent makeup, it's... Steve, what's your opinion? Would that allow a traditional tattoo parlor to go in there?

Steve Watirpont said his opinion is not official, as Everett makes those final decisions, but through prior discussion and everything else, the state as Mr. Clift has stated, does not differentiate between the two. They need the same or similar license. They look at it, the requirement is C-1 that if a tattoo parlor went in there, they could use 300 square feet if that was what's allowed within a Certificate of Compliance at this time.

Jennifer Pierce wanted to be clear so she doesn't mislead the board here. That probably doesn't help him.

Board Member Lindsey said it helps because it clarifies, but unfortunately, he thinks it sways his opinion a little bit.

Chairman Nestorowicz thanked him. They do have a motion and support from Mr. Perry up for vote right now.

Roll Call:

A roll call was taken on the motion. The motion carried (7 – 2).

Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Assessor	Yes, for the reasons stated in the motion.
Board Member Lindsey	Reluctantly, no. Worried about the future, so there is a detriment to the area.
Board Member Green	Yes, for the reasons stated in the motion.
Board Member Clift	Great reluctance, no. Could become a detriment to the area in the future.
Board Member Watts	Yes, for the reasons stated in the motion.
Board Member Sophiea	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: Jason Ghannam
REPRESENTATIVE:	Haitham Sitto
COMMON DESCRIPTION:	14 Mile
LEGAL DESCRIPTION:	13-01-228-020
ZONE:	MZ, C-1, P

VARIANCES REQUESTED: Permission to

Allow an off-premises ground sign on this parcel that will be a 2nd ground sign for the shopping center that is located on parcel # 12-13-01-228-023.

ORDINANCES and REQUIREMENTS:

Section 4A.14 – Prohibited Signs: The following types of signs are prohibited in all districts, unless it is a public art work commissioned by the City of Warren as part of its Placemaking with Art Initiative:

(j) Off-premises signs other than billboards, election and special events or activities signs as regulation in this ordinance.

Section 4A.37 – Shopping Centers: Regardless of the zoning district, shopping centers as defined in Section 2.67 are permitted the following signage:

(b) One freestanding on-premise identification sign of a size not to exceed one hundred and fifty (150) square feet in size and which shall not exceed twenty-five (25) feet in height shall be allowed for each shopping center.

Haitham Sitto, 44731 Woodward Avenue, appeared before the board thanking them for allowing them to be here. He also wanted to thank the city for working with them for the last year and helping them correct some of the issues and get this thing updated to where it is now. They're looking to, based on the drawings in front of them, to erect this pole sign on the north elevation of the property. Most of them are from the area, familiar with this location, he's fairly sure. The building was built back in the '60s. Somewhere in the '60s and the '80s there were signs already installed fairly close to where this sign is being asked to go. About a year or so ago, the sign that was existing at that location, which was between 144 to 150 square foot sign was removed. He believes it was because of the new development. If they're familiar, he believes it was a gas station that went up in that intersection. They're looking to put something in there and try to meet all the ordinances and compliance. He believes the issue remains the fact that it's a secondary sign. Again, this property has always had a sign at that location and back in the day this was a thriving shopping center. One of the reasons, they could see the signage because its such a large distance from Fourteen Mile Road. Currently, this location is about fifty (50) percent occupied. As they mentioned before, and he noticed with other tenants, it's an issue keeping tenants in these properties. One of the most important things to a business is a sign. He's sure the board knows the old saying, a business without a sign is a sign of no business sort of thing. They're asking to be able to put this just under seventy-five (75) square foot sign. Hopefully, in replacement of the previous sign that was up there. Again, he believes about 144 to 150 square foot that was there. This one is going to be basically for the tenants and the displays only to advertise for the tenants, help wanted and specials for the tenants. Basically, to support the livelihood of that shopping center. He thinks that's what they had and if there's any questions, please feel free to ask. He can address as much as he can for them. Thank you.

Chairman Nestorowicz thanked him for those comments. 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.

Secretary Jerzy said the current existing ground sign that's on Hayes, is that illuminated?

Haitham Sitto replied it is. The city calls it a monument sign, it's a pole sign.

Secretary Jerzy said it's a pole sign. The one that's currently there.

Haitham Sitto said everyone says it a little different. Yes, sir, it is. It is an illuminated sign.

Secretary Jerzy looked at this proposal. They initially, when the gas station, correct him if he's wrong, they've had some board members on this board when they talked signage when the gas station was going in. He does believe the gas station wanted to put a sign right where he wants to put it. Their main issue was the impact on the abutting residents. That's kind of where he still stands with this. Especially with the LED component. The LED component is nice with new modern signs, but they have no way of monitoring that in this town. So, his thought was this. Most of those tenants in that property, short of the pizzeria, operate on a nine (9) to five (5) basis he guessing, more or less. Normal business hours. So, his thought, if they wanted to put a sign on the property line, he would make it a non-illuminated sign to make it less impactful on the public behind the property. That was never discussed first when they did the gas station signage. They never came up with that kind of proposal. He just kind of thought about that just right now, just sitting here listening to him. He does have a problem getting behind a ground sign that's right up against that property line. They got a strip that's probably a couple feet, there's not a lot of space there to put...

Haitham Sitto said difficult situation.

Secretary Jerzy said correct. It's a difficult situation with the gas station there, too. It's a big brick there, can't see any of the businesses inside the plaza. He does feel his plate there. He would almost be in favor of putting a tenant sign that's not illuminated on that fence line to keep some kind of visibility for his plaza, but if they put an illuminated put it where the current existing one is. Move the new build to where the old one is and maybe even just call that a day. Put the brand new sign up with the LED component, if the board members vote for it, and do it that route. So, it wouldn't be impacting the abutting neighborhood behind them. If you live there and had a bright LED sign right over the privacy, that would be impactful to the neighborhood.

Haitham Sitto wanted to clarify. The LED sign, in the last couple years, and he's been here before many times for a lot of signs, he's met many of them for projects. The new technology now is completely softer driven. The tenants don't have access to brighten control. The resolution is so high, they're at 6mm. Meaning, it's going to be very hard, he's not trying to pass anything off, it's difficult now to tell that between an LED sign and static printed sign because of the high resolution and the controlled brightness which is only set to three (3) percent of ambient light. Just enough for them to see it. Personally, they're a manufacturer, they ship these all over the United States and nothing is worse than light pollution. He wouldn't want that in his neighborhood or anything like that. They came up with making this people friendly as possible. They do churches and other entities. It's important for them to communicate. They made sure they remove the access to clients at all. They've seen clients abuse that feature wanting theirs to be the brightest thing, seeing it from three (3) miles away. They don't need it like that. To his comment about day and night. In reality, a lot of people drive at night and it does advertising. That's the sense. He understands what he means, but they're not just trying to get people to pull in that day, but at night time they're coming home from work they remember the location. It's really just to help promote the plaza a little bit. It's struggling. They understand. He said one of the owners of the building is there. It's one of those situations where they're trying to stay afloat and one of the reasons why they petitioned. Not because they want a grand deal.

Secretary Jerzy said he understands.

Chairman Nestorowicz wanted to share his comments. He has a few issues with this request. He's never been a big fan of off premise signage, because this sign is not on their property, it's on the gas stations property.

Haitham Sitto said it's their property. It's an easement.

Steve Watripont explained it's a separate parcel that is also owned by them. It's not on the gas station, but its not on their shopping center parcel either. It's a separate parcel completely there.

Chairman Nestorowicz thanked him. He does have an issue with the LED portion. The brick wall they want to go up against is six (6) feet tall. The pole of the sign is ten (10) feet tall so the entire sign can be seen above the brick wall. They didn't see any residents here today, but if anybody in the future wanted to buy one of those houses there, they're going to have a bright sign lighting up their backyard. Personally, he has an issue with that. If it was something smaller and a monument sign that wasn't above the brick wall, he could probably go along with it. Otherwise, with the height and location of the sign, he has a hard time supporting it.

Haitham Sitto believes they're required to make that height.

Chairman Nestorowicz has always been a fan of monument signs over pole signs.

Haitham Sitto prefers monument signs, but there's a brick wall.

(Inaudible)

Chairman Nestorowicz said he knows, but it is what it is. Based on the location and all that stuff, but those are his comments.

Board Member Watts asked if there was a sign there before they tore down those other buildings for the gas station.

Haitham Sitto replied yes, sir.

Board Member Watts asked if it was a lower sign.

Haitham Sitto said no, sir. It was actually, taller, larger, twice as big.

Board Member Watts said he goes by there probably three (3) times a day sometimes. He sees where the problem is at. He's also concerned with the LED with those houses right there being that high up. He doesn't know if they can do something different so it's not lighting up their side or what. He does have a problem with that part.

Haitham Sitto asked if they could put it where it turns off on that side when it's dark. That's very easily done.

Board Member Watts said if they could. That would be a concern of his. Like he said, he lived

over there forever. He goes by there and understands the problem with being able to see the shopping center and the advertisement from Fourteen Mile.

Haitham Sitto has rules sometimes where certain districts require the sign turn off after business hours. For example, nine (9) o'clock the entire sign needs to be turned off. They get that all the time. It's very common and very standard practice. That makes sense.

Board Member Watts said that would be his question.

Board Member Sophiea understands the need for the additional sign. He understands they're worried about light pollution and especially in the evening. Even with the normal nine (9) to six (6) office business so to speak, in the winter time its dark at five (5) o'clock. It needs to be lit up if there is going to be a sign there, but he would like to put a condition on that it's off by maybe nine 9:00pm.

Chairman Nestorowicz wants to add another comment. You know the next item on the agenda is to retain their existing sign. His question, because he would not vote in favor of an LED sign at that location because their building is not there. If anything, it would make more sense to have it on the existing sign that's in front of the strip mall. That's just his comment.

Board Member Watts said the situation here, the way he sees it, he just Googled map to make sure he was seeing this right. The existing sign on the next one is on Hayes, south of the gas station. Which he can understand lighting that up, that shouldn't be a big issue. There's no homes across the street, it's a shopping center, that doesn't effect any homes. This particular one backs right up to a house that has an inground pool and what have you, he just can't see having that thing lit up at night. He doesn't have a problem with them having a sign there, they had a sign out there before and he gets it. He understands that. He would love to see the 100% occupancy over there, too. He just can't see... He's surprised there's no neighbors here, but the two (2) houses that are there, that would really affect them if it was lit up at night.

(Inaudible)

Board Member Watts can't hear him.

Haitham Sitto said the lights from the gas station is actually much more worse than this would be.

(Inaudible)

Board Member Watts understands that, but this sign would be right on top of their backyard. That would make a bigger difference.

Steve Watripont explained the previous sign was between the bank and the bakery is where it was. It wasn't right there at that driveway.

Board Member Watts wouldn't have a problem with the sign if they put a limitation on it being shut off at eight (8) or nine (9) o'clock at night.

Board Member Sophiea said he raised a good point about the main sign being on Hayes. He thinks a good compromise may be to allow the signage they're proposing without the LED portion, drop the sign down twenty-nine (29) inches, the overall height. They'll agree on a time to shut the sign off, and then adding that LED component to their existing sign. It looks like there is almost nine (9) feet underneath. They might have enough under clearance for it.

Steve Watripont said what he thinks he's proposing, he believes they would have to repost and resubmit to come back. They're increasing one. They can probably do one and not the other, but they can't go larger on something because they're denying something on another. Or changing that. Have to be careful with that and go from there.

Chairman Nestorowicz wants to agree with that. The one they're addressing now, say they take off the LED and put the limit on when the lights are turned off, it's less so they can vote and approve that.

Board Member Sophiea said drop the height.

Chairman Nestorowicz repeated adding the LED to the other one would need to get rescheduled because that's probably going to cause an increase or so it's not what was posted.

Secretary Jerzy said they could grant the one and grant the pre-existing one, deny the LED component on the one. That way he can come back to them for the LED component in the future on the existing one. If they grant the next one with the existing sign he could come back and add the LED at a later date to the existing one on Hayes.

Haitham Sitto wants to make sure he's understanding what they're asking. The one they're proposing, they're suggesting maybe lowering the height of that overall total height, eliminating the LED display. He believes the ordinance requires a ten (10) foot under clearance, so he can't really go below the ten (10) foot. He keeps the ten (10) foot height, just the overall height of 19.9, would drop by twenty-nine (29) inches.

Secretary Jerzy said to put the time stipulation, too.

Haitham Sitto said since they're in the realm of things and seventy-five (75) square feet is permissible, can they just keep it at... Remove the LED and make it a box sign. Or reduce the overall size? It's permissible at seventy-five square feet.

Steve Watripont said they can keep the same size that's there per the request if they remove that it could be a condition of that going forward.

Chairman Nestorowicz said at the same token, if they say no LED they can take that 15.9 square feet off the overall sign by making that sign smaller.

Steve Watripont said it's up to them. It wouldn't need to be reposted if that was the request.

Chairman Nestorowicz would be in favor of that, but keeping, he means removing the LED portion and basically so the sign will be smaller than what they requested because they will gain that 15.9 square feet back. That's his opinion. Any other comments or questions or any motions?

(Inaudible)

Board Member Sophiea can get behind that if there's no other comments.

Motion:

Board Member Sophiea made a motion to grant permission to allow an off-premises ground sign on this parcel that will be a 2nd ground sign for the shopping center that is located on parcel # 12-13-01-228-023. **LED component will be eliminated, overall square footage of the sign will be 58.85 square feet, and the sign is turned off by 9:00pm.**

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

Secretary Jerzy supported the motion.

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

Roll Call:

A roll call was taken on the motion. The motion carried (8 – 1).

Board Member Sophiea	Yes, for the reasons stated in the motion.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Watts	Yes, for the reasons stated in the motion.
Board Member Clift	No, detriment to the area.
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.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

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

11. PUBLIC HEARING:	APPLICANT: Jason Ghannam
REPRESENTATIVE:	Haitham Sitto
COMMON DESCRIPTION:	32801 Hayes
LEGAL DESCRIPTION:	13-01-228-023
ZONE:	MZ, C-1, P

VARIANCES REQUESTED: Permission to

Retain existing 96" x 96" (64 square ft.) ground sign along Hayes with the following:

- 1) An under clearance of 102".
- 2) A setback of 7' 6" from the sidewalk along Hayes.

ORDINANCES and REQUIREMENTS:

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.17 – Setbacks: The following setback regulations shall apply to signs location in all

zoning districts:

(b) All freestanding or ground signs shall be setback from the right-of-way line a minimum distance equal to the height of the sign.

Chairman Nestorowicz said before they proceed on this one. He's assuming that the petitioner is going to want to add the request for the LED portion onto here.

Haitham Sitto said obviously. He wants to re-engineer something to present to the board properly.

Chairman Nestorowicz thinks they should reschedule this to a date uncertain.

Haitham Sitto said as long as they don't have forgetting memory or something like that.

Chairman Nestorowicz thinks it would be better to reschedule to a date uncertain to allow the petitioner to update the request and it has to be reposted.

Steve Watripont said it would save the fees and everything else for resubmitting for a new request. He would suggest that if that's what they want. They may also want to increase that at that time to include that sign within the size that was there. He would suggest that as well.

Haitham Sitto said because they're doing this, also more elegant for the city, they make a new sign. They don't want to retrofit these things. They want to make it look nice. They care about this place. Its in their heart to make it look nice and wouldn't be investing in this. He thinks it's best if they come up with a nice beautiful concept.

Secretary Jerzy asked how long they would need to postpone it.

Haitham Sitto can make it to the next board meeting.

Chairman Nestorowicz said they would have to repost it so they're not sure what the timeline for that would be.

(Inaudible)

Secretary Jerzy said they'll just do it to a date to be determined.

Chairman Nestorowicz said to a date uncertain and the sooner they get the paperwork in. They'll get on the next available meeting.

Haitham Sitto appreciates that.

Motion:

Secretary Jerzy made a motion to postpone to a time to be determined; Supported by Board Member Assessor.

Voice Vote:

A voice vote was taken. The motion carried (9 – 0).

The petitioner's request was **RESCHEDULED** to a date uncertain.

12. PUBLIC HEARING: **APPLICANT: Jason Ghannam -USE-**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 32875 Hayes
LEGAL DESCRIPTION: 13-01-228-023
ZONE: MZ, C-1, P

VARIANCES REQUESTED: Permission to -USE-

Allow the storage of swimming pool supplies, a C-3 use in a C-1 zoning district. **USE**

ORDINANCES and REQUIREMENTS:

Section 13.01 – Uses Permitted: Warehousing/storage is not a permitted use in C-1 zoning districts.

Section 15.01 – Uses Permitted: In all C-3 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:

(b) Any wholesale business including warehouse and storage buildings, lumber yards, building material yards, dealing in unused-material, laundry and dry cleaning establishments, but not including junk yards or used auto parts or auto wrecking establishments or business handling wastes, coal yards, junk, the incubation, raising or storing of poultry, the slaughtering of animals, poultry and those business which are offensive by reason of odor, dust, smoke, gas, vapor, noise or vibration.

Chairman Nestorowicz asked him to state his name and address, and reason for this petition.

Haitnam Sitto repeated his name and address. As they discussed before regarding tenants and space wise, the folks are here by the way for the pool supply company. They're looking to utilize one of the units to put their overflow of supplies and materials in the unit next door. This is no way accessible to patrons. The doors are not open in any way, just using it to put overflow materials. Same material they currently have in their store that they want to be able to put in here and just replenish their inventory. As you can imagine the season now, they want to keep proper inventory and things of that nature and while the space is available they want to take advantage of that. Utilize that space for that purpose. He believes the city has an issue for using it for that purpose, but again, it would be like having a back room but it's next door to the property. The windows will be blinds, so they're not looking at a storage facility or any sort. They can even determine if they would like it to be a certain color or graphic or something artistic they can do that. Again, it's not accessible by customers whatsoever. If they have any questions he can address for them.

Chairman Nestorowicz asked if anyone in the audience wants to speak on this item to please approach. Let the audience member speak and state their name and address before the comments.

Daniel Steiffel, 49390 Bingham, appeared before the board explaining its basically for overflow, like what he said. Be able to buy more product and have versus trying to get it

every single day from their suppliers. They will, if they have to, put vinyl over the windows just saying it's part of their store, so it's all one and looks good. If not, they can just black it out and make it look nice. It's not going to show, no one can go in there, if anything it's just going to be him or his GM in there. There's not really anybody else that goes in there. He'll just go in there to get supplies to bring it in when they run out of product on the shelf. Or overflow for the bigger items that they can't always store in the store. That's about it.

Chairman Nestorowicz thanked him for that explanation. Is there anyone else in the audience wanting to speak on the item?

No response.

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

Board Member Sophiea always had a problem with the city making the distinction that this is some type of storage that's unrelated to the purpose of the business that is allowed in that zone. It's not storage for personal items, or storage center open to the public. It's just simply for their inventory for the business that's already located at that address. Because it's part of their routine business and part of the pool supply job that's already there, he doesn't have a problem with this. He doesn't see this as the traditional type of warehousing or storage.

Board Member Watts has a couple of questions. One is going to be to Mr. Watriont and one to the Fresh Coast people. Has this been inspected by the Fire Department? Where does this fall in that? He wishes they had somebody here on that with the chemicals and stuff.

(Inaudible)

Chairman Nestorowicz asked him to please come back up to the microphone because they couldn't quite hear.

Steve Watriont explained if this is approved, they will need a Certificate of Compliance in which Fire does go out to do an inspection on that for the approval of the use and everything else. They would have to explain what it is and they go through that process as every business goes through that process.

Board Member Watts will further that question with him in a minute then. Stay there, because the question to him is they took over the second building for storage of chemicals. Now, if he's going to black out those windows and put vinyl. If it's just black vinyl, white vinyl or whatever. If it turns to signage then they're going to have to have a permit. If he put just black vinyl on there, is that going to require a permit?

Steve Watriont will not. Window tinting is not. If it's the window tinting with the signage, they count the whole part of it, so that would create some issues. It would have to be either completely blacked out or shades. If they had window shades, they could have that as well to block things out.

Board Member Watts said they simply added the second building because they needed more storage instead of running back and forth, or whatever they do.

Daniel Steiffel said correct. Have stuff for that day or if customers need it tomorrow or something. With this they'll be able to have it in stock and have it for them today.

Board Member Watts drove by there and it looks kind of raggedy with what's in the windows now, in his opinion. There is an old sign up there. Is that going to come down? Is that going to change?

Daniel Steiffel said that can go down. That's the old diabetes place.

Chairman Nestorowicz asked him to talk into the microphone because it's hard to hear.

Haitham Sitto explained they said the diabetes sign will be coming down.

Board Member Watts was just concerned. The cleaner the better.

Daniel Steiffel said of course. They can just make it clean and black it out, where you can't see through it.

Board Member Watts can understand that. He doesn't have anything else.

Chairman Nestorowicz asked for any other comments or motions.

Board Member Green said he drove by it, too. It looks like they have a strip mall of vacancy in it when just block this stuff out for storage. He doesn't understand why they wouldn't just open it up as part of their storage. Make it look like...

Chairman Nestorowicz said he can't be heard.

Board Member Green said make it look like a viable part of their storage as opposed to... When he drove by there it originally looked like a closed building there. They got two (2) or three (3) buildings that are covered up, the windows are covered. To him it's not a good look and his question is why then... He doesn't know the business, so why wouldn't they make it part of their... Why don't they just open it up and put their sign up and make it part of their store and allow people to walk in there.

Daniel Steiffel is completely fine with doing that and make it nicer. They just don't need the retail store to be double the size. Plus, it's just helping them so it's not cluttered. Other stores they go into, in their industry, they go in and there's just a million things and no where to walk. They got their three (3) feet and that's it, but he would be all for putting the signage on there, making it all one so it looks really nice, yes.

Board Member Green said his point is to just do his best to make it look like it is right now looks like...

Daniel Steiffel said if they do the signage on it, if they have to, that's completely fine, it

would make it one wider storage front looking but only one door for that one side. They could do that and it would look nice, yes.

Board Member Watts wants to further than a little more then, because this was kind of in his mind and they'll have to get Steve back up there. If he vinyl's the windows with advertising all the way across so it looks like one big store, he would have to come back.

Steve Watripont said they would if it's 100 percent of the window. If he does fifty (50) percent or less of each window, then he can just pull a permit.

Board Member Watts repeated if he does fifty (50) percent all the way across on each window he wouldn't have to come back and just get the permit. He wouldn't have to get a variance. Then that would be good advertising for them. That's his brain thinking. Would they have any objection to that?

Haitham Sitto said that would be perfect, sir. That would actually be a very good solution. It most likely would be artwork, it wouldn't be completely like a newspaper or something. Something clean.

Chairman Nestorowicz asked for clarification. Instead of having the entire window one solid cover, he's talking about the window only being half filled.

Board Member Watts said it would be half way up. In his brain he's thinking half way up and then maybe their company logo or something.

Chairman Nestorowicz said they have signage above the store, why would they need additional signage.

Board Member Green said when driving by it, it looks like separate building.

(Inaudible)

Board Member Green it looks like it doesn't flow. He doesn't know, maybe he's off.

Board Member Sophiea doesn't want the windows boarded out or blacked out, he would just like nice blinds or something cohesive across the front.

Daniel Steiffel said they would put signage there less than the fifty (50) percent. If they do 100 percent, then it's different. They could do a drop black curtain behind it so they can't see through it, just the words and everything. It will look nicer and won't see storage or anything.

Board Member Watts thinks it would look better rather than just all blacked out. That's his thought.

Board Member Green asked if they're changing this to warehouse storage. Is that what it's going to be called.

Chairman Nestorowicz said pool supplies.

Board Member Green said when this flips back and someone decides to rent out the place, does it stay a warehouse.

Chairman Nestorowicz repeated pool supplies. Not storage of anything else.

Board Member Cliff asked what the square footage of the area that they're going to use for storage.

Haitham Sitto said roughly 1,200 square feet.

Board Member Cliff repeated 1,200 square feet. This one goes to Mr. Watripont if he could step up, please, sir. There is a definitive distinction between the C-1 and C-3. He understands what those are for. The thing he's struggling with is this is chemical storage they're talking about in this facility right adjacent to an R-1 and R-2 district. His colleague Mr. Watts kind of touched on the safety aspect of it, but he's curious when those inspections take place as fire meeting OSHA regulations for proper storage of those chemicals and the Fire Department. When do they take a look? Is it after the product and stuff is in there? Is it before or is it both?

Steve Watripont believes if there is a concern, fire goes out maybe twice a year on certain things. As far as the Certificate of Compliance, that would be during the process whether they had stuff in there or not. Usually, before for most situations. He believes, and he doesn't work for fire so he can't answer whole heartedly, but he knows fire does inspections that aren't only Certificate of Compliance inspections when it deals with flammables and stuff they do that more often.

Board Member Cliff doesn't know which one of them might be able to answer this but he's going to throw it out there and whoever can answer it can answer it. What kind of condition is there fire suppression system in that building just looking at it? Overhead? Stand pipes? Sprinklers? Not working, hasn't been tested in ten (10) years?

(Inaudible)

Board Member Cliff said they don't know.

Haitham Sitto thinks fire extinguishers is what they require and that's what is in there.

Steve Watripont explained with each suite being fire rated and everything at 1,200 square footage, he doesn't believe any requirement for fire suppression other than the fire extinguishers.

Board Member Cliff is struggling with what they're wanting to use the use for and what's actually going to go in there. If things go bad, and how bad they can go fast. He just wanted to cover a couple of points to help make his decision. Thank you.

Haitham Sitto said the unit is the same supplies they have in their current store, just over

stock would go in there. It might not be chemicals, it might be other things. Salt, things of that nature.

Board Member Sophiea said if there's no other comments, he would like to make a motion.

Motion:

Board Member Sophiea made a motion to grant permission to allow the storage of swimming pool supplies, a C-3 use in a C-1 zoning district. **USE**

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

Board Member Assessor supported the motion.

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

Roll Call:

A roll call was taken on the motion. The motion carried (9 – 0).

Board Member Sophiea	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	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: Mario Isshac -USE-**
- REPRESENTATIVE: Same as above.
- COMMON DESCRIPTION: 25200 Easy
- LEGAL DESCRIPTION: 13-24-452-025
- ZONE: M-2

VARIANCES REQUESTED: Permission to -USE-

Allow 10,530 square ft. of open storage of trucks and trailers in a P zoning district in addition to 12,636 square ft. that is permitted in a M-2 zoning district for a total of 23,166 square ft. of open storage. **USE**

ORDINANCES and REQUIREMENTS:

Section 16.02 – Limitation of the use: Open storage is not a permitted use in a P zoning district.

Mario Isshac, 25200 Easy, appeared before the board.

Chairman Nestorowicz said if anyone is going to be talking give name and addresses.

Heidder appeared before the board, 34935 Schoolcraft.

Greg Doms, 2670 Capitol Avenue, appeared before the board.

Heidder explained they have a portion of their property zoned P and the other part is M-2. They try to put open storage in the rear portion. The area they're requested is about 10,500 square feet. They want it to add it to their other 12,000 square feet as the M-2 for using for the open storage.

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

No response.

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

Secretary Jerzy thanked them for waiting through the long night. He just has a few questions regarding the use variance. What are they going to use the open storage for? Materials? Products? Trucks?

Mario Isshac replied truck and trailer.

Secretary Jerzy repeated truck and trailer. He sees on their site plan they're also going to be like a repair shop. What's the nature of their business?

Mario Isshac replied trucking company, like logistics. Only for the company, it's not for the public.

Secretary Jerzy said it says truck services on a collision shop with three (3) service bays in an approximate building area of 31,959 square feet. So they're going to have three (3) bays just for repairing trucks with tires, oil changes, things of that nature? They're going to maintain their own fleet, basically, on the property.

Mario Isshac replied yes.

Secretary Jerzy asked how many trucks they own and operate out of that facility. Would they be?

Heidder said between twenty-five (25) and thirty (30) tractor trailers.

Secretary Jerzy asked any expectation to grow that. Have they taken into account potential growth.

Heidder said they always look for growth, but whatever the lot will fit.

Secretary Jerzy asked if this is an independent trucking company. Do they ship basically...

Heidder said auto parts for the big 3.

Secretary Jerzy asked if any of those products will be kept on the premises inside the trailers.

Heidder said sometimes but it would only be empty wrack.

Secretary Jerzy asked anything explosive or hazardous chemicals.

Heidder said no. Ninety-nine (99) percent they do auto parts. When trucks stay overnight it will be empty to stay overnight to go load in the morning and heading to wherever it's going.

Secretary Jerzy understood. He asked if they have a plan in place for disposable of all their oil and things of that nature. Do they have a program for hazardous fluids?

Heidder replied they have a company. They take the old oil but will be stored in the building. No outside.

Secretary Jerzy thanked him for the clarity about what's going on there. He yields the floor to his colleagues.

Chairman Nestorowicz said they had a letter from the Planning director that should have been read.

Secretary Jerzy said yes, his mistake. They do have an impact letter from the Planning Department per Ron Wuerth.

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

Board Member Watts took a drive over there and it's talking about bays. He doesn't see any open bays. Are they going to be putting some doors in to get the trucks in the building? Is that what the plan is?

Heidder replied yes.

Board Member Watts asked when they bought this property to check and see if this was a use that they could.

Heidder answered yes, they did check before they purchased the property. They told them it's M-2. After they purchased it, first meeting, they say the building is M-2 and partial lot is not M-2, its P for parking. Before they purchased it was shown in the system and they gave them the ok as to purchase it as an M-2. They would have thought about it or looked for something else. But they gave them the ok business there before purchasing.

Board Member Watts said if they knew they were going to have that many trucks parked back there they would have told him. The city would have told them that if they had checked with the city.

Heidder explained they just told him it was an M-2, so when it's M-2...

Board Member Watts asked who told him that. The real estate or the city?

Heidder stopped by the city.

Board Member Watts has a problem with this. First of all, he drove over there, took a look, and seen all the trucks parked there. He's thinking for the area, with those trucks coming in and out of there, he doesn't see where that area can handle that. He thinks it's going to be a detriment to the area. He can't imagine the city told him it was ok to have that many trucks back there when they know it's going to be something like this and have to come for a variance. They see too many properties sold and they're saying they didn't know. Well, if you're spending that kind of money on a property they should know. He asked if Steve had something he wanted to add.

Steve Watriont believes he was the one who talked to him. The question was can he use the building for truck repair. He looked, he said the building is in the M-2, the building can be used for truck repair. He had no idea how much storage he was going to use or anything else at that time. He doesn't believe they discussed everything, but they did say if they need outside storage they would have to go through the full site plan approval and all that as well.

Board Member Watts said that makes more sense to him. He yields.

Chairman Nestorowicz asked for any other comments from the board. Any motions from the board?

Board Member Watts will make a motion if there are no other comments.

Motion:

Board Member Watts made a motion to deny permission to allow 10,530 square ft. of open storage of trucks and trailers in a P zoning district in addition to 12,636 square ft. that is permitted in a M-2 zoning district for a total of 23,166 square ft. of open storage.

USE

Reasons being: Detriment to the area; Too much with the trucks coming in and out of there; All those trucks parked in there with a city park right behind it; Doesn't think it's going to fit the area; Too much; Not enough there to maneuver the trucks coming in and out of the driveway.

Board Member Green supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Watts, support by Mr. Green to deny the request for the reasons stated in the motion. Roll call.

Roll Call:

A roll call was taken on the motion. The motion carried (9 – 0).

Board Member Watts	Yes, for the reasons stated in the motion.
Board Member Green	Yes, for the reasons stated in the motion.
Board Member Clift	Yes, to deny for the reasons stated in the motion.
Board Member Lindsey	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 Sophia	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.

14. PUBLIC HEARING: **APPLICANT: Family Fun Fireworks – Jenna Nola
Michael Kanakry**

REPRESENTATIVE: Caren Burdi
COMMON DESCRIPTION: 30800 Hoover
LEGAL DESCRIPTION: 13-11-101-033
ZONE: MZ, C-1, P, C-2

VARIANCES REQUESTED: Permission to

- 1) Conduct a temporary outdoor retail sales operation without a permanent building.
- 2) Conduct a temporary outdoor sales operation in a 20' x 50' (1,000 square ft.) tent, with a 10' buffer around the tent, in an area designated for parking from 9:00 a.m. to 10:00 p.m. June 15, 2026 through July 5, 2026.

ORDINANCES and REQUIREMENTS:

Section 4.48 – Temporary Outdoor Retail Sales in Commercial and Industrial Districts:

Temporary outdoor retail sales may be permitted in conjunction with a permanent building in C-1, C-2, C-3, M-1 and M-2 zoning districts.

Section 4.52 (d) – Standards for Temporary Outdoor Retail Sales Approval: No sales activity or display of merchandise shall be permitted in the area designated for required off-street parking for the existing or temporary use.

Caren Burdi appeared before the board stating she's here on behalf of Family Fun Fireworks, 27299 Bradner. Before them is the request to be able to hold sales from a tent, twenty (20) by fifty (50) feet at Hoover Road. They've been doing this since 2010. They're asking to do it again this year from July 15, 2026 through July 5, 2026. He needs the 5th to clean up after the 4th and return the lot to it's previous condition. He's been operating fireworks for years and years. He's in compliance with all state requirements and with all of their administrative rules.

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

No response.

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

Secretary Jerzy asked Ms. Burdi how she is doing and thanked her for sitting through all this.

Caren Burdi laughed and said somebody has to be last.

Secretary Jerzy said if you're not first, you're last. With her request, she knows his issues and it's been well documented over the years. He does have a new one with the introduction of the market there and the traffic of that plaza now. That plaza does get very busy and he doesn't think it's conducive anymore for the tents sale. On top of all the other reasons he's stated in the past, he just thinks the traffic in that area and complex has gotten heavy. So, that's his concern. The other concern he has with her client, last year he decided to throw up signs in the right-of-

way that stipulate fireworks. That is not in this request. He also seen the tent that was taken down and actually sit in the parking lot for two (2) weeks afterwards. He saw the tent that was supposed to be torn down July 5th and it sat there for another few days, or another week before it was torn down, and then sat in the parking lot for another additional week or two (2) weeks. He's going to make the point on the record again, he thinks it undercuts any brick and mortar businesses. Especially, now that they have one in town at Nine and Van Dyke. It moved from Centerline. Businesses doing the right thing paying their insurance, paying their taxes then to be undercut year in and year out by pop up shops is unfair to business owners trying to do the right thing. On top of the fact that this operation time and time again has exhibited a detriment to the community with blown over tents, things that aren't... Caught people smoking inside the buffer zone, and that's been put online, with no recourse whatsoever. Again, ma'am, nothing personal. Still a no vote on this and yields the floor to his colleagues.

Board Member Lindsey has been on the board for a while now and see multiple of these. Fireworks stands come up every summer. He would share the same sentiment that Mr. Jerzy does. You know, it's partially to him, undercutting other businesses, but it's more so that time and time again they see these things come up where they agree to certain conditions and then the petitioner or business owner is not really meeting the requirements of the conditions. They're kind of free reining it and before anything can even be done, they're packed up and gone. Then they see them again the next year. He's lived in the City of Warren for years and years and it's just really getting worse in his opinion. He's going to stick hard on a no vote here, too.

Caren Burdi asked if she may reply.

Chairman Nestorowicz didn't hear a question from a... He just heard comments.

Board Member Lindsey said it was just comments to the board.

Chairman Nestorowicz said unfortunately they do not have a question currently.

Board Member Sophiea is not a big fan of temporary tents, but for the fireworks it's probably the least intensive use of a temporary tent. It is up for just two (2) or three (3) weeks. So, he can live with the firework tents. He has more of a problem with the permanent tents that are so called temporary but up for six (6) or eight (8) months of the year. But with the fireworks tents, he personally doesn't have a problem with it. He's always enjoyed going to get fireworks with his dad at that location. He has a little bit of a sentimental attachment to it, but he does understand that plaza has changed overtime, too.

Chairman Nestorowicz agrees with Mr. Sophiea. It is only from June 15th to July 5th. It's a three (3) week period, probably. The request has not changed from previous years when they (inaudible). He thinks that plaza can handle the fireworks with the additional business there, personally.

Secretary Jerzy said no way. He respectfully disagrees. He lives right there in that neighborhood Mr. Chair. He drives by it daily and the traffic in and out of there at multiple hours of the night, even at night, in the dark. With the gym in there, too, and the bar reopened and flourishing. The traffic in that plaza has become extensive. More extensive as it has in the past years. So, he respectfully disagrees.

Board Member Sophiea is happy that plaza is busy. Remember going there with his grandmother as a kid and it's desolate buying stale cookies at the only place in the whole plaza. He's happy it's doing well. He respectfully disagrees with his other sentiment, but agree to disagree. If there are no other comments he would like to make a motion.

Motion:

Board Member Lindsey made a motion to grant permission to:

- 1) Conduct a temporary outdoor retail sales operation without a permanent building.
- 2) Conduct a temporary outdoor sales operation in a 20' x 50' (1,000 square ft.) tent, with a 10' buffer around the tent, in an area designated for parking from 9:00 a.m. to 10:00 p.m. June 15, 2026 through July 5, 2026.

Reasons being: They have approved this request routinely the last several years; Not a detriment to the area.

Board Member Perry supported the motion.

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

Roll Call:

A roll call was taken on the motion. The motion carried (5 – 4).

Board Member Sophiea	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Watts	No, too crowded in there now.
Board Member Clift	No, unfair economic gain for the petitioner and it takes away from businesses in town.
Board Member Green	Yes, for the reasons stated in the motion.
Board Member Lindsey	No, detriment and economic.
Board Member Assessor	Yes, for the reasons stated in the motion.
Secretary Jerzy	No, detriment to the area; economic; not necessary.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

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

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| <p>15. PUBLIC HEARING:
REPRESENTATIVE:
COMMON DESCRIPTION:
LEGAL DESCRIPTION:
ZONE:</p> | <p>APPLICANT: Family Fun Fireworks – Jenna Nola
Caren Burdi
26800 Dequindre
13-19-101-017
C-2</p> |
|---|--|

VARIANCES REQUESTED: Permission to

- 1) Conduct a temporary outdoor retail sales operation without a permanent building.
- 2) Conduct a temporary outdoor sales operation in a 20' x 40' (800 square ft.) tent, with a 10' buffer around the tent, in an area designated for parking from 9:00 a.m. to 10:00 p.m. June 15, 2026 through July 5, 2026.

ORDINANCES and REQUIREMENTS:

Section 4.48 – Temporary Outdoor Retail Sales in Commercial and Industrial Districts:

Temporary outdoor retail sales may be permitted in conjunction with a permanent building in C-1, C-2, C-3, M-1 and M-2 zoning districts.

Section 4.52 (d) – Standards for Temporary Outdoor Retail Sales Approval: No sales activity or display of merchandise shall be permitted in the area designated for required off-street parking for the existing or temporary use.

Caren Burdi repeated her name and address. Before the board is a request for twenty (20) by forty (40), 800 square feet tent on Dequindre. It's been there for the last... Well, since 2010 she believes. It's only from June 15th through July 5th of this year coming up. She thinks it's important that she explains the procedure that people that have fireworks tents or companies that have fireworks tents in the city go through. They apply through the state and the state follows the national fire protection agency guidelines for fireworks tents. So, there is actually guidelines for fireworks tents. They have what the material can be made out of, they have how they can design the inside of it for safety, they have what kind of fire extinguishers they have, how many of them they have, what kind of broom they can use inside the facility. She means, the requirements are extensive. What happens is they turn in plans to Lansing, they review those plans and if the plans are approved, then they apply at the city's for the zoning to make sure the zoning is compliant. When the tent is put up, the state sends out fire marshal's. Each fire marshal is given a certain area within the state and when the tent is put up they come out and inspect the tent for compliance, product for compliance, setup for compliance, and they're inspected before they even begin. This does not preclude the City of Warren Fire Department if they chose to come by to inspect, if they chose to hold inspections throughout the time the tent is up. They don't lose any jurisdiction and they are entitled to stop by as they choose. During the time while the tent is up, they have the LARA, state department, has people that come by and check the tents. They've had them come by to make sure sales tax is being applied, check that they're still in compliance with where the products are, how they're being displayed, if they have the proper warning signs up for not selling to people under eighteen (18), the no smoking signs that are to be displayed. They also test them. They send in people to test these different locations. They send minors to try to buy fireworks, they send people up to the tents who start to act like they're going to light up a cigarette. They've had all different tests and these vendors have never been caught, fined, found to be in trouble or noncompliance with any of that. They have been tested. So, this isn't a situation where somebody just pops up a tent. There are requirements for that. They are inspected and any police or fire from the City of Warren that want to come by, or the police want to test them, they're allowed to test them. They're open to that. If the Warren Fire Department comes by and wants to inspect, they're open to that. With regard to the idea that they're taking away from other businesses in the city. One of the things... The reason tents are available under the state law is she was at many of the hearings in Lansing when they were deciding how they would allow fireworks to move forward, because they had decided the fireworks were moving forward, but they had not decided how they would move forward. Whether they would be in buildings, tents or both. There was testimony at the legislature where it was decided and discussed that tents are safer to sell fireworks than enclosed in a building. The reason is they can escape a tent very easy, very easy. Much easier than escaping a building. So, the state has decided to allow tents. It's part of the state law and provided the conditions to make the tents safe, etc. and what the requirements are for them. As she just explained, they're tested, etc. This was not just put tents up and put fireworks in them. There were hearings, there were discussions, there were investigations, etc. With regard to the concern that Mr. Kanackry isn't a business

owner in the city, she thinks they all know he is a business owner in the city. She thinks he has been in the city for an extremely long period of time. She doesn't think this is an outsider coming from another community and setting up shop for two (2) weeks and then leaving and not caring. She doesn't think it actually takes away from other businesses. Many of the businesses in the City of Warren, besides the one discussed at Nine and Van Dyke, that have gone through all the extra approvals to be able to sell consumer or class c fireworks. Other businesses, grocery stores, other businesses aren't doing that. They're not selling class c fireworks. They're selling snaps, sparklers, fountains, not the other fireworks. To say that the tent is taking away business from the other businesses she has to disagree with. She doesn't think they're comparing apples to apples. She thinks they're comparing apples to oranges. She doesn't think that this tent being setup selling consumer class c fireworks is taking away from a mom in a grocery store buying some sparklers for her kids. She really doesn't. She thinks they're still buying the sparklers for their kids when they see them. So, she would ask because of the history, and good record of Family Fun Fireworks, and the fact that they've been doing this for an extensive period of time at this location. She would ask this matter be approved. She got a phone call last Friday from the Planning Department that the plans that were submitted to the Zoning Board of Appeals had minor discrepancy where the tent was from the site plan approval at the Planning Commission. They've corrected those plans and put the corrected plans on their desks here tonight so that they were in full compliance with the approved site plan at the Planning Commission. On Monday, she sent a copy of that to Mr. Crabtree over a Planning and he responded back to her in an email they received them. It does match, he said it is in compliance and thanked her for taking care of it so fast.

Chairman Nestorowicz thanked her for that explanation. This is a public hearing. Not seeing any audience members, he closed the public hearing portion and turned it over to the board.

Board Member Sophiea thinks both viewpoints are going to have the same sentiment. He doesn't see anything much different than the last item. They have a long record of being approved at this location and he doesn't have a problem with it.

Secretary Jerzy wants to make one comment. Ms. Burdi just claimed there's all this stuff that goes on with these tents, yet year in and year out she doesn't bring any proof that anything was inspected, anything about these pop up inspections or anything she is claiming. He takes it all as hearsay. Just because they've been doing things in this city for umpteen years is the reason why the ordinances look the way they do, the reason why things don't get changed. Just because they've been doing it for God knows ho many years, doesn't mean it's right. He'll leave it at that.

Board Member Watts stated that she said the gentleman is a long time business owner in the city. So he had a brick and mortar location?

Caren Burdi replied at Thirteen Mile and Mound he has an indoor brick florist.

Board Member Watts thanked her.

Chairman Nestorowicz asked for comments or motions.

Motion:

Board Member Sophiea made a motion to grant permission to:

- 1) Conduct a temporary outdoor retail sales operation without a permanent building.
- 2) Conduct a temporary outdoor sales operation in a 20' x 40' (800 square ft.) tent, with a 10' buffer around the tent, in an area designated for parking from 9:00 a.m. to 10:00 p.m. June 15, 2026 through July 5, 2026.

Reasons being: Not a detriment to the area; Long record of being at that location.

Board Member Perry supported the motion.

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

Roll Call:

A roll call was taken on the motion. The motion carried (6 – 3).

Board Member Sophia	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Watts	Yes, for the reasons stated in the motion. This area is not as congested as Thirteen and Hoover.
Board Member Clift	No, unfair economic advantage on the brick and mortar partners in town.
Board Member Green	Yes.
Board Member Lindsey	No, detriment and economic.
Board Member Assessor	Yes, for the reasons stated in the motion.
Secretary Jerzy	No, detriment and economic.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

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

16. NEW BUSINESS

Chairman Nestorowicz had sent an email out earlier today, because last meeting they talked about no shows and anything like that. He doesn't know if anybody had the chance to see the email, but he printed out some copies. Basically, they said they always had that issue about somebody no shows, rescheduling. He did some research online at other cities. Majority do not have anything, but he found a number of cases where they did. There are two (2) examples that he thought was from Ann Arbor and the other is a city by Lansing where the petitioner was not present at the meeting, the Chair dismissed the petitioner. In Ann Arbor they won't hear it again within three (3) months of date of dismissal. If within one (1) week of that missed meeting the petitioner provides evidence that they had good cause for failure to be present. If they had a valid reason to miss it then they can reschedule that petition for the next regular scheduled meeting. If they're rescheduled under those things they don't pay any additional fees. It's basically what the two of these say. If somebody misses a meeting they can dismiss it but if they come back within a week why they weren't there they could reinstate them for the next meeting. With out a fee.

Board Member Clift said they'll go through the whole hassle of reposting and putting packets together and mailing stuff out again for no fee.

Chairman Nestorowicz couldn't find anybody out there that had examples that actually...

Board Member Green said they charge fees. He also did some rescheduling stuff. They got to keep in mind the applicant has the right to due process, number 1. They got to keep in mind the community has the right to a timely decision making process, number 2. They need to make sure they're not wasting administrative time, the people putting this stuff together. So, they need to ensure efficiency, need to do whatever they can to make sure it's fair to the petitioner. If the petitioner or representative fails to show up for a hearing that was scheduled, the city may proceed in that persons absence, number 1. He thinks they've always been able to do that. They can reschedule once and have a reason in writing and has to be at the office the Friday prior to the meeting to avoid a fee for rescheduling. A lot of these cities it's \$100 to cover the notifications. The record should reflect the reason for the rescheduling, should be done to the next ZBA meeting. His opinion, the one he wrote up. They can set a new date, the petitioner, or they can withdraw their request and go through the process again. So, that's just food for thought. If they do this somebody has to prepare what they want and whatever the process is to put it in the rules. He thinks there should be a fee and should remember that they can vote on it when they're not here. They should have one opportunity and can give a written request the Friday prior. If it's good request and legitimate then they move on and reschedule. If not, they reschedule for the next meeting and avoid having to repost.

Chairman Nestorowicz agrees about the fee because the second example, actually states the reinstatement shall be at the discretion of the chair for good cause and upon payment of a fee set from time to time by the governing body. It didn't say in there what the fee is. He's not sure who would set that fee.

Jennifer Pierce said typically it would be Council who sets all the fees that they have. They have a list somewhere in the ordinance. It's hard to find.

Board Member Green asked if the city attorney can take a little bit of what they said maybe mold it for them a little bit.

Jennifer Pierce said yes. She'll tackle this first and they should think about any other amendments to the rules of procedure based on the board evolving that way they can do it and vote on it all at once.

Chairman Nestorowicz said if they have any other things that are part of their rules, if everybody wants to think about that for next meeting.

Jennifer Pierce said with the due process in mind, she doesn't think it's a good idea to decide the merits if they do not appear. She thinks it should be denied for their failure to appear. She doesn't think it's a good idea to have discussion and decide on the merits. At that way, they can pay the fee again and refile and haven't taken away.

Steve Watrion said if it gets denied, it's denied.

Jennifer Pierce said he's right.

Board Member Green said that's why he's turning it over to her to think it out.

Chairman Nestorowicz thinks that's why they have the wording where the Chair shall dismiss the petition. It doesn't say it's been denied. It's just been denied.

Steve Watrion said dismissed, withdraw, things like that he would agree with.

Board Member Green said so it doesn't just keep going on.

Jennifer Pierce understands and knows it's frustrating for Nicole and everyone here to have these matters adjourned five or six times. Sometimes its out of their control, amendment to site plans. For no good reason, it's a burden to everyone here.

Board Member Clift said it's the terminology, right? Failure to appear, didn't show and didn't come. Dismissal or postponement, done in advance, reasonably. Need for rescheduling, that's done usually in advance. The issue he takes up a lot of times is the work and effort that goes into and then have people that don't appear. They're not here on their date and time and then push it back, push it back and done that eight or nine times or something. Then it ended up getting withdrawn anyway.

Board Member Lindsey said Home Depot.

Chairman Nestorowicz said that's one of the benefits. It does not say they will reschedule, it gets dismissed.

Board Member Clift said that's all done in the office. They're talking about they call the item and they're not here they have to have a mechanism.

Chairman Nestorowicz said they can dismiss it. Ann Arbor said they won't hear it again for three months.

Board Member Watts said if they don't show up they don't show up. Sorry Charlie, gets denied. On the other half of the coin, they shouldn't be postponing anything or removing something after the agenda is published. That's what he has a problem with the last time. It was published and if anybody would have shown up for that neighborhood, it would have been a whole different story. Luckily, they didn't have anyone show up. Once that agenda is published, it should be going on it. If that person doesn't show up, oh well. They're playing them and it has to stop. There's one in particular going on for four years. That's not right.

Chairman Nestorowicz said next steps is the attorneys office will take a look.

Jennifer Pierce will do an amendment and circulate it by email. They can read it individually. She's discouraged talking about it over the email, but can read it and send comments to her. Avoid discussion as a board. Don't reply all.

Board Member Green was talking to Mr. Jerzy about this overlay district project. Started looking into this affordable housing term and this is pretty interesting. Affordable housing is a buzz word now. They're using this buzz word to get these projects done. When they had that presentation

done by a builder and real estate person, that's the common denominator in all this. They're the ones going to make money. Their purpose is to take local control away and what they're doing with all these; Ann Arbor, Muskegon, Bay City, increasing density. Density is statistically proven to be a problem, especially for big cities. It causes problems. The base percent they use is 30 percent of income, most qualify for affordable housing. 30 percent for transportation. In order to take that and put it in the average median price in Warren it's \$65,000. That's for a 2 bedroom. Looking at these terms, trailer park, mobile home, manufactured home and they tie it all into public housing. Definition take a large piece of property and plug a bunch of the same unit in and that's what's happening in Warren. He thinks there is maybe 12, but they would consider residential, mobile homes or whatever. That's one every two and half miles. In the last couple months they've had one developer come up who is going to sell the houses and in theory that's a stamp but they're going to sell the houses. Then the term everybody wants home ownership. That's not true. They make you think that and then use the term affordable housing again. There are nine bills pending, five are in committee at the state of Michigan. They're trying to take all local control away. City of Warren works the best for making decisions for the City of Warren. He'll just do a couple. House bill that the state rep is backing. Prohibits a minimum dwelling area requirement greater than 500 square feet. Allows mobile homes at any residential area and mandates parking requirements only be one parking spot for each of those homes. On his street where a house burned down and there's a vacant lot, if this passes, they can put a mobile home there. They can cut it and say however they want to do it, people buy houses where they look and see what they want. If they buy a nicer house it's because they have more money. They want to be next to people who have nicer houses. He doesn't know how to say it more diplomatic, but that's the truth. When they pass these laws that say they can put a mobile home in a residential area on a vacant piece of property, that's crazy. Then they take the parking spot stuff. In Ann Arbor they got 263 units of these affordable housing. They give them one parking spot per unit. They figured out that way they can jam more units in there and create more density. They respond by saying they got a grant for electric cars. They have one electric car in the basement that these 263 units. House bill 5583, mandates setback requirements at 15 feet or less from the front property line and 5 feet from the sides and rear dwellings, out buildings, local government, park, this list goes on and on. Creates statewide definition of a duplex which mandates duplexes be permitted in any district or single family resident is permitted. Mandates all accessory units anywhere they want. It's a little bit scary. This is going on right now and they don't even know about it. He just kind of stumbled on it. There's nine bills right now in the process of trying to take away local zoning rights and using all these fancy terms like affordable housing when that's not necessarily the case. In Ann Arbor they increased their median to 60 percent so they can sell the houses. The ones they had left they dropped to 30 percent. It's all calculated. He urges them to educate themselves on it and try to stay in the loop. He'll try to send stuff out as he gets it.

Chairman Nestorowicz said the decision is out of their hands because it's the city council vote that would create an overlay district.

Board Member Green said it's statewide. Need to call their state rep because they're putting up too much a fight.

Chairman Nestorowicz said if the zoning board wanted to submit an opinion to vote on and submit to council with their opinions. Hopefully, they would take that in mind before they take any of their votes.

Board Member Clift is not sure if they're aware, but they're using those same catch terms in catch phrases when it comes to pushing development for rentals. Just slightly different terminology. It all manages to fall under the monthly cap.

Board Member Green said remember they said those rentals are going to be \$2,000 a month and they portrayed that as an affordable rental. Take a pencil to paper, they would have to make \$95,000 at a minimum for that to meet the 30 percent of the median price, and that's not adding the 20 percent they pay for transportation.

Board Member Sophiea apologized for his tardiness. He knows they talked before Christmas about changing the meeting time and he was absent the last time. He completely forgot they bumped it up to seven. He thought he was doing good getting there ten (10) minutes early.

Board Member Watts doesn't know if anybody watches the Planning Commission, but he would go back and watch the recording from Monday night. Last half hour would probably cover it. Not going to expound on it at all, but it was troubling to him. It involved the Zoning Board so go back and watch it. He would entertain thoughts about what went on. Secondly, been on quite a few boards. This one has kind of bothered him a little bit. He looked at Roberts Rule of Order, it would be proper that the Chair and Secretary be speaking last on items rather than at the middle or beginning. The rest of the board should be speaking first. Then they would follow in after that. Work on that, not a crisis.

Chairman Nestorowicz doesn't know how many of them have looked at other cities, rules, ordinances and stuff like that. Birmingham or Royal Oak, after the public portion the petitioners is allowed to rebut anything that was said about them.

Jennifer Pierce brought up concerns about due process regarding that. They're not allowed to speak and have an opportunity to be heard. She doesn't know if she agrees with the rules of procedure.

Chairman Nestorowicz said many cities have very different rules. Especially when they talk about redoing zoning and stuff. What are they really looking at, other cities, best practice or somebody just...

Board Member Clift said it's a strange mix. If every place was the same, every place would be the same. They have their differences. It's up to the city leadership to determine what direction they want to go and what they're really about and then go out there and obtain it. What are the standards? What are they willing to accept? How high do they want to reach? How low do they want to cater? Multitude of different things. That's always bugged him since he's been on this board is how the petitioner can tell his part of it, get people come up behind him and do whatever, then that person is basically stuck and doesn't have the opportunity for the rebuttal or to better explain their petitioner or squash whatever might have been brought up.

Chairman Nestorowicz said when they talk about their rules, those are the kind of things they might want to consider. Those are changes they can vote on and they make.

Board Member Clift said regarding to the Chair and Secretary talking, in some circles that could

set kind of a bad precedent. It could present the proverbial leading the board by the nose kind of impression by the leadership of the board expounding or speaking on certain things first and it might have an impact or sway on how some of the other board members do things or how they might follow in with the program. It was a good point and glad he brought it up. He was afraid to bring it up all this time. Thank you.

17. ADJOURNMENT

Motion:

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

Voice Vote:

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

The meeting adjourned at 9:38 p.m.

Paul Jerzy
Secretary of the Board

APPROVED