WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
MAY 13, 2026

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, May 13, 2026 at 7:00 p.m. at the Warren Community Center Cafeteria, 5460 Arden Avenue, Warren, Michigan 48092.

Members of the Board present:
Roman Nestorowicz, Chairman
Paul Jerzy, Secretary
Garry Watts, Asst. Secretary
Michael Assessor
Jon Green
Shaun Lindsey
Charles Perry
David Sophiea

Members of the Board absent:
William Clift, Vice-Chairman

Also present:
Jennifer Pierce, City Attorney
Brian Schuman, 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 Clift were absent.

Motion:
Secretary Jerzy made a motion to excuse Mr. Clift; Supported by Board Member Green.

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

4. ADOPTION OF THE AGENDA

Secretary Jerzy would like to move item 6 to the May 27th meeting, item 10 to the May 27th meeting and remove item 14 completely from the agenda. Leave the rest as written.

Motion:

Secretary Jerzy made a motion to adopt the agenda with the previously mentioned changes; Supported by Board Member Lindsey.

Chairman Nestorowicz said they have a motion by Mr. Jerzy, support by Mr. Lindsey to approve the agenda with those changes made.

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

Chairman Nestorowicz said any individuals for item 6, which is the iDrive and item 10, which is Susan Elliot. It won't be reposted; this is the only notification for those items. Before moving on, they are one (1) board member short today, and there are two (2) use variances on the agenda still. A use variance requires six (6) yes votes as opposed to the regular five (5) which all other requests need. He did want to offer the petitioners for items 12 and 13, since they are use variances, whether they wanted to be rescheduled or not. Item 12 is Sunset and item 13 is on Schoenherr. Do they want to still proceed even though they're down one (1).

(Inaudible)

Chairman Nestorowicz said they can move on to approval of the minutes.

5. APPROVAL OF THE MINUTES – Regular Meeting of February 11, 2026, March 11, 2026, April 8, 2026, and April 22, 2026.

Motion:
Secretary Jerzy made a motion to approve the minutes of February 11, 2026 and March 11, 2026 and postpone April 8, 2026 and April 22, 2026; Supported by Board Member Assessor.

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

6. PUBLIC HEARING: **APPLICANT: IDrive Auto Parts, Inc – Kalven Hermiz**
-USE-
(Rescheduled from 8/13/2025, 10/8/2025, 11/12/2025 and 4/22/2026)

REPRESENTATIVE:	Caren Burdi
COMMON DESCRIPTION:	21311 Groesbeck
LEGAL DESCRIPTION:	13-35-331-001
ZONE:	M-2

VARIANCES REQUESTED: Permission to -USE-
1) *APPROVED 11/12/2025* – Retain 1,149.64 feet of 8' high corrugated sheet metal fencing. (Total of 2,840.64' of 8' high fencing, of which 1,655' was previously granted a variance on 6/7/2017).
2) *APPROVED 11/12/2025* – Retain existing non-conforming auto wrecking yard and expand the outdoor storage area by 59,485.92 square ft., identified as parcel 1 on the site plan. USE

APPROVED

3) Retain the parking within the Groesbeck front setback.
4) Waive 2 required parking spaces.
5) Allow an 11' maneuvering lane to the two southern most parking spaces.
6) ~~Allow one 8' parking space in the south end of parking lot.~~ (No longer needed)
7) *APPROVED 11/12/2025* – Construct a building addition to within 29.07' of the east property line along Groesbeck and to within 7.28' of the north property line along Prospect.

ORDINANCES and REQUIREMENTS:

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

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

Section 4.32(H) – Off-Street Parking Requirements: The amount of required off-street parking space for new uses or buildings, additions thereto and additions to existing building as specified above shall be determined in accordance with the following table, and the space, so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use.

(23) One (1) parking space for each one thousand two hundred (1,200) square. ft of gross floor area.

Section 4.32(i) – Off-Street Parking Requirements: All spaces that do not abut a continuous curb required in accordance with Section 16.07 or a common property line shall be laid out in the following dimensions:

90 degree parking spaces are required to be 9' wide, 20' long with a 20' maneuvering lane.

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

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

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

This item was rescheduled to May 27, 2026 during the adoption of the agenda.

7. PUBLIC HEARING: **APPLICANT: Jonathan Sulaka**
(Rescheduled from 4/22/2026)

REPRESENTATIVE:	Same as above.
COMMON DESCRIPTION:	24800 Hoover
LEGAL DESCRIPTION:	13-13-26-101-026
ZONE:	M-2

VARIANCES REQUESTED: Permission to

1) Conduct a temporary outdoor retail sales operation without a permanent building.

APPROVED

2) Conduct a temporary outdoor sales operation in a 30' x 30' (900 square ft.) tent in an area designated for parking from 9:00 a.m. to 9:00 p.m. from June 21, 2026 through July 6, 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.

Caren Burdi appeared before the board on behalf of Jonathan Sulaka who is to her left; 28225 Mound. At the last meeting she had quite a few handouts on the table for them, she hopes they brought those. Board Member Mr. Sophiea wasn't here last time, so she brought him a copy. Her client is proposing a fireworks tent from June 21st through July 6, 2026 from 9:00 a.m. to 9:00 p.m. This tent is located at 24800 Hoover. This is the exact same site, exact same site plan approved by the city for many, many years. It was previously brought by her clients uncle, Pat Sulaka, who sadly passed away. Her client has worked with Pat Sulaka doing the fireworks for many, many years. The petitioner's family does have a brick and mortar business in Warren called Nick's Chips, it's located at 21001 Groesbeck in Warren. She showed them by Googling it that they in fact have this address in Warren. The shopping center has one (1) store in it, the Value Fresh Marketplace. They do not sell fireworks and they welcome Mr. Sulaka doing it. Like she said, they've been doing it there for years. She would say that she thinks it's rather important that they have these opportunities for these fireworks tents in the City of Warren because the residents are better served when there are providers where there are competition. If they limit, if you will, the sale of fireworks only from brick and mortar stores, they very much limit the competition and at that point they end up with a situation where the residents suffer because there's not competition for prices. As stated, the tent is a thirty (30) by thirty (30) tent. It is secured by eight (8) water barrels. There are two (2) at each corner. Each water barrel runs 458 pounds each. It's a fifty-five (55) gallon water barrel. A gallon of water weights 8.34 pounds. If they take 8.34 pounds by fifty-five (55), that's 458.7 pounds. If they take that and multiply it by eight (8), that's 3,664 pounds holding down that tent. That's not all that's holding down that tent. In addition to that, there are forty-two (42) inch steel stakes with three quarter inch ropes and those stakes hold the tent down in addition to the water. If they were to use concrete blocks, they're 400 pounds each, the water barrel is 58 more pounds each. This has been the way that the Sulaka's have secured this tent at this location for years and years and years and never had an incident. She believes that is a secure way to keep the tent secure. Now, she's going to be a little more thorough tonight because she's made presentations about fireworks in the past and many of the things she has said some people have indicated that they want to see some documents, they want to see backup for it. She took her time this time and she put together backup documentation for things she has been telling them for quite some time about fireworks tents. If they look at the packet, this is the one that has her clients fireworks certificate from the state as the first page. On the second page, she took a screenshot of his application to the state. To apply for this license, he had to provide a site plan that's reviewed by the fire bureau in Lansing, he had to provide a floor plan that gets reviewed by the fire bureau in Lansing, and that is to make sure it's in compliance with all of the rules that are contained within the fireworks safety act. Once that's approved, he has to provide a sales tax license. He has to show the state that he has the ability to collect a sales tax, six (6) percent to the state of Michigan. He also to provide a bond of $5,000. The bond is to ensure that he follows the fireworks safety act. If he fails to comply in any way with the fireworks safety act, he doesn't pay his sales tax, he doesn't pay his fireworks safety fee, which is an additional six (6) percent. If he gets a citation by the fire bureau, anything he doesn't do to comply by and there's a fine in the fireworks safety act, this bond ensures

payment to the state. If they turn the next page they have the travelers bond for $5,000, the next page they get to the floor plan of the tent, the inside floor plan. As she's been instructed in the past, there are rules, where are the fire extinguishers located, how wide are the aisle ways, how big are the exits, how many exits are there? These are all just examples that get looked at on the floor plan. Then there's a certificate of liability insurance. They have to buy a million dollar policy to get a fireworks certificate from the State of Michigan. The million dollar policy, look at the bottom, it says what additional insurance they want. Her client listed AJ fireworks, he listed himself, he listed the owner of the property, he listed the company that owns the property, he listed Value Fresh Market, but he also listed City of Warren Michigan. There's a million dollar policy covering any liability that could happen at that site and not only does the owner and everybody have coverage. The City of Warren also has coverage. Now with regard to the other items she put in the packet, they have the fireworks safety act. She provided this to them and wanted to point out a couple things in that. She's going to try to be brief, but show that these are the things she's been saying and where did she get these things. She didn't just make them up, they came from the law and came from how it's practiced over the years. On page 4, it talks about what they have to do to get a license and it's all the things she just talked about; that's in the safety act itself. In the act it talks about the fireworks safety fee. The fireworks safety fee is not the sales tax. If they sell fireworks, they have to pay to the state of Michigan six (6) percent sales tax. It's goods, anything sold is six (6) percent sales tax. In addition, there's an additional six (6) percent fire safety fee. That fire safety fee goes to Lansing, it goes into their fireman's fund and it's distributed by their council for the instruction and training of all fireman within the Sate of Michigan. Now, how can she say that? On the LARA webpage there is another document she put on the table. It says specifically, all fees generated as part of this program are allocated to support this operation of the program and the trainings approximate 29,000 firefighters. She has several firefighter friends who have indicated to her that they have been able to take advantage of training that's offered at the state that the city used to pay for, it does not pay for now. There has been more money available for training in this state in the beginning of fireworks than there was prior. She'll also show in the law where it specifically says where the money goes and how it's allocated. On page 9, a person who vails to omit the firework safety fees as described, the first violation is $5,000 if they don't pay it. Second violation is $20,000. A third violation is $40,000 and they're never getting a license again. That's on page 9 of the act. She's going to read to them exactly what it says on page 10. One hundred percent of the money received from the fireworks safety fees under Section 8 to be used for the training of firefighters under the direction and approval of the firefighters training counsel established under the firefighters training counsel act. That's one hundred percent of the fees of the safety for that. Then she talked about in the passed how they can't sell fireworks to a minor. That's contained on page 10 of the act. She explained to this board there's enforcement. Not only their own police in the City of Warren go and make sure and spot check that fireworks aren't being sold to minor. In addition to that the state actually sends people in to try to buy fireworks. They use minors to try to accomplish that and the first fine is $1,000. Every fine there after is $2,500. If they get a second fine, the license is suspended. They won't be selling fireworks for long if they're selling to minors. Then she talked about in the past that the fire marshal or designee can issue citations and the authority for that is page 13 of the fireworks act. They have authority to issue citations. They also have authority, page 14 to confiscate illegal fireworks. They also can't get a fireworks certificate for sale if ever convicted of a felony involved theft, fraud or arson. Lastly in the act, they talk about the fact that the department shall, not can, but shall promulgate rules under this act and those rules are law. She gave them a copy of those rules because she wanted to make sure the board had them. Very specifically, she's not going to go through each thing, but she

wanted to indicate that on page 3 it talks about the fact that the state fire bureau must inspect the site; that's contained within the rules. It's almost important to note on page 4, 5 and 6 these are all of the standards. All the standards that have to be followed to be incompliance. These are not just a few standards, Like she said, it takes two and a half pages to put them. The rest of it, she doesn't want to sit here and read the act, she wants the board to know these further support the things that she's been say8ing all along. This is not a fly by night operation. People who doe the fireworks sales are not fly by night. The requirements they have to follow are quite extensive and the penalties for not complying are extensive. They need to be sharp and operate a very clean operation or they're not going to be in business very long. She has seen people who have not complied with the fireworks safety act or the rules and they get put out of business very quickly because they can't seem to be in compliance as they should. Why does she make sure that she explained all of that? They have a track record here with the Sulaka family. They have been in compliance, they do not get citations. They've never been cited for failure to comply with what they're supposed to do. Last year when her client put up his tent, her client was inspected by the state fire inspector, Tom Lyon. Two (2) Warren fire officials came out while he was open two (2) separate times. He can't remember the name, but two (2) Warren fire officials came out and spent a great deal of time there on two (2) occasions. The electrical inspector from the city also came out and inspected. So, as she has said in the past, anybody from the City of Warren that comes out that is an official, she will honor them looking at what they need to look at, having free access to what they need free access to because they're running a tight ship. Running a compliant ship. Any inspector coming out they don't have any problem with. They're glad to have them come and they are welcome. In short, she will say that not only is the fire bureau making checks but definitely in this came they have the City of Warren making checks are she believes her client runs a very safe and compliant operation and would ask the board to please approve the petition here tonight.

Chairman Nestorowicz thanked Ms. Burdi. This is a public hearing. Anyone in the audience wishing to speak on this item?

No response.

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

Board Member Sophiea appreciated the presentation tonight and the extra back up material. He's familiar with that parking lot, spacious parking lot and he personally doesn't see a problem or issues with this for a short period of time.

Board Member Lindsey thanked her for the presentation. He's not quite sure what firefighter training and sales tax have to do with this variance request but the way he views this and all of these fireworks stands. Their job here as the ZBA is to determine if a practical difficulty to comply with the ordinance has been met. He doesn't think a practical difficulty has been met. The presentation she's given doesn't seem there's any unreasonable impact or burden to maintain compliance with the property as it is. He doesn't see that there's anything unique about this property. He believes the fireworks stands, how he's seen them in the city, are a detriment to the area. This is clearly economic driven. He doesn't see how he can vote yes on this so he's going to be a no vote.

Caren Burdi asked if she could say something.

APPROVED

Board Member Lindsey said he didn't have a question.

Chairman Nestorowicz asked if there's any other questions or motions,

Board Member Green has a comment. He's always curious when items like this come up and they're specific to the sale of fireworks. They have numerous other ones that are approved, flower sales, a bunch of them that they do. He thinks that if they are going with practically difficulty standard, he thinks it can be read either way. He doesn't think… They had this discussion about brick and mortar and other things. He doesn't think they're being fair across the board he'll vote eyes on this to approve.

Board Member Sophiea would like to make a motion. He approves the flower stands in town. He personally likes as a Warren resident being able to go to Warren businesses versus the outside community.

Motion:
Board Member Sophiea made a motion to approve the petitioner's request to:
1) Conduct a temporary outdoor retail sales operation without a permanent building.
2) Conduct a temporary outdoor sales operation in a 30' x 30' (900 square ft.) tent in an area designated for parking from 9:00 a.m. to 9:00 p.m. from June 21, 2026 through July 6, 2026.

Reasons being: Not a detriment 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.

Roll Call: A roll call was taken on the motion. The motion carried (6 – 2). [Board Member Watts did not vote.]

Board Member Sophiea	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the moltion.
Board Member Assessor	Yes, for the reasons stated in the motion.
Board Member Watts	Yes, for the reasons stated in the motion.
Board Member Green	Yes, for the reasons stated in the motion.
Board Member Lindsey	No, economic.
Secretary Jerzy	No, detriment to the ar4ea.
Chairman Nestorowicz	Yes.

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

8. PUBLIC HEARING: **APPLICANT: Darrin and Michele Moore**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 32206 Newcastle

APPROVED

LEGAL DESCRIPTION: 13-02-177-008
ZONE: R-1-A

VARIANCES REQUESTED: Permission to
Retain widened portion of the driveway from the south front corner of the garage 10' towards the south property line.
ORDINANCES and REQUIREMENTS:
Section 4.06 – Yard Use: No part of any required yard, except a rear or side yard shall be use 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.

Michele Moore, 32206 Newcastle, appeared before the board.

Darrin Moore appeared before the board stating he also lives at 32206 Newcastle.

Michele Moore explained they're asking permission to keep the widened portion of their driveway. Eleven (11) years ago they hired a company that went to the city with them to go over the plan to repour the cement in their garage, driveway and city sidewalk due to cracks. When they went to the city they were coming for permits. They retained a permit for… First, they went over the entire project and the city told them they only needed a permit for their garage, which they received. They had the company start their project. Frist, they had to tear up the cement, put the borders in and have a city inspector come out to okay them to pour. The city inspector came out, this was eleven (11) years ago, looked at the city sidewalk, looked at the driveway, looked at the garage, told the company that they hired to hold the job until they went to the city to show them stamping because of the city sidewalk. The company they hired went to the city, showed the stamping. They had permission to pour. They completed the job. They did the garage, driveway, and a couple of the city sidewalks. The first city inspector came out and looked at everything. Gave them the ok for everything. Said the driveway was ok as long s the approach wasn't changed and there was ten (10) feet between the driveway and their neighbors property line. They had the job completed, another city inspector came out and said it was excellent. Eleven (11) years later they received a variance in the mail for their driveway.

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

Tom Plazowski, 32052 Newcastle, appeared before the board stating he's got no problems whatsoever with the way it is. He would suggest to them that the issue going on in the neighborhood right now, he doesn't know why they're coming to a head now. There's so many different variations on the houses where the driveways go, where the approaches go, how far back they go, all kinds of things going. He would prefer to see vehicles parked in the driveways rather than in the street. They have problems in certain areas of the street where people park cars with trailers and stuff on the street and never move. They got one house that had one (1) car sitting his driveway for twenty-two (22) years that was obviously never being used and the city never came around and did anything about it. He made a complaint, he got a ticket and about three (3) weeks later the car was gone, but he still have two (2) pickup trucks and a trailer there and parks the trailer which make it's it tough. They're by Fourteen Mile Road. If they want to get out in the street

APPROVED

and have somebody coming in and someone parked on the opposite siede of the street, it's dangerous. There is no question about it. Again, he would much rather see cars off street. They seem to spend a lot of time worrying about the dimensions of a pod or something like that, which seems silly to him. Side note, the city also owns the trees in the boulevards, trees get knocked over from a storm or something, the city comes and pulls them out. They don't come and replace them. Why? That's his two cents.

John Smith, 32122 Newcastle, appeared before the board stating he's a neighbor around the block. He's also here for the same thing today. It's a very busy street, especially between two and seven. He lives four (4) houses to the corner and it is dangerous. He has his kids play in the driveway and backyard of the driveway. Should be focused on other things.

Joe Scally appeared before the board stating he lives right across the street from Darrin and Michele. He actually appreciates they are not parking on the street, because when he would back out of his driveway cars would be there. Since they have their cars on the concrete, it's safer for him. They put a lot of money into their house. It looks good and feels it's actually safer to have them off the street. If he was a backyard mechanic and wrenching on things, it might be a different story. He's not using it for that purpose. It looks good, brings up the property value. He actually appreciates all they have done.

Mohammad Hassan, 32205 Newcastle, appeared before the board say8ing he lives on Newcastle Drive on the other side of the street. He ahs two (2) little boys, been living there for many years. They've been taking care of their yard, they have a nice yard. He has little kids and every day there are busses that pass by. Having the car in the grass or the driveway is better for his kids. He has no objections, it looks beautiful. If they see the houses there, it's all beautiful and well taken care of. There is no reasons for giving them a hard time. He appreciates they can approve this. Thank you.

Chairman Nestorowicz thanked them for their comments. With that he closed the public portion of the meeting and turned it over to the board for question and discussion.

Board Member Watts thinks it's important to answer a few questions about what's going on here. Somebody paved their driveway on another street over and a stop order was put on him because they went over and above. You only need a permit for the approach and the sidewalk, you don't need a permit to replace the driveway itself. The driveway has to be edge of the garage to the other end of the garage. The gentleman on the other street did the same thing, went way over, was told not to pour, stop work order. He did it anyways. This is what brought this to a head. The board turned him down. He put a shed in without a ratwall on the same concrete, just tons of violations. He violated the ordinance, violated a stop order. Can't do this because everybody is going to be doing it. He driveway through the neighborhood four (4) or five (5) times in the past month and a half since it came down and he knew this was coming. He told them at that meeting, he's going to go turn everybody in the neighborhood that has an extra driveway. That's why they are all here. Twenty-eight (28) people he turned in. Thank the neighbor for this because he violated a stop order and violated the ordinance. It's not rocket science. This is the problem. Then, they have one (1) down the street from them. Same thing, went for a permit, said they didn't need a permit to replace their driveway. Not only did they replace their driveway, they doubled the size of it. That's not included in the ordinance. This is happening all over the city and people are parking five (5), six (6), seven (7) cars where a lawn used to be. Turning their front of the house into a parking lot. That's

why they're here. These guys might not be here hadn't the neighbor been such a kind of guy that wants to get all of his neighbors. They have to understand where it's coming from. As a ZBA member, ,former council member, they have ordinances and they have to abide by those ordinances. It's unfortunate that they got caught. He doesn't understand why they didn't get caught when they approved the sidewalk.

(Inaudible)

Board Member Watts said this is where they're at. Now, they can't deny one, another one got denied, that's two. There's going to be a problem. He can't go for this because it's getting bad.

(Inaudible)

Michel Moore said this is eleven (11) years ago for them.

Board Member Watts said it's the boards portion now. He wanted them to know how they got here. The city inspectors are doing their job now and enforcing it. The alternative is to come to a variance. As the commission, it's their job to stay on top of the ordinances. If they let one go here and one gets over here. Everyone is seeing others have it and they're going to do that. Everybody goes another six (6) inches, another foot. To him it's a detriment to the area. He understands what the neighbors are saying about…

(Inaudible)

Board Member Watts isn't going to argue about that. He understands. He finds this is a detriment to the area and he's going to be a no vote. He can't approve this kind of stuff.

Board Member Green said this is getting kind of complicated. Please understand ordinances are laws of the city. For example, in theory, they went to go to sell the house and they're in violation of the ordinance, mortgage company might not approve the mortgage until they become compliant with the law. There's a lot of things that laws that come with them. That's no the motivation for what's happening. Somebody turned it in and that's a whole other story. Part of the motivation at the beginning was, they have to picture this in their mind, they had people that literally paving their entire front yards. Not just what they have done, which a million people in the City of Warren have done. They've had people pave their entire front yards. What they were doing was running businesses out of there and the neighbors weren't happy about it. Or they were having multiple families living in their house. At that time it became an issue with where they're at and where are they going with this. He personally thinks a lot of the confusion is a result of these guys are saying. Their permit was to pave their garage poured and it's confusing because they only do it once in their life so they don't have a lot of experience doing it. He thinks they should require a permit for the driveway. Right now it's kind of confusing. He doesn't have to get a permit for his driveway. He has to get a permit for the apron because the city owns it and for the sidewalk. Then the inspector comes out and says it looks great, because they didn't have to pull a permit for it. He thinks as they move forward here, and he's going to try to straighten it out in a second that one of the things they need to do is require permits for driveways. That way the inspector can say right there they can't do that or can do it.

Darrin Moore said pre 1995 Warren required permits for driveways.

APPROVED

Board Member Green said that's good to know, but it doesn't now. He's not trying to argue with him or debate with it. So, he'll give an example. At the last meeting, they had people voting based on what they think about the existing ordinance. The existing ordinance is what it is. At this particular point, there's not a lot they can do about it. He's suggesting, and he doesn't know how they're going to handle what they do here; whether it's denied or approved. He's sure there's going to be an answer for that. He thinks what they need to do, this body and the attorney would be the person that would do it. Send a letter to Council explaining they have had numerous driveway complaints that come their way as a result of this particular new phase of people cementing their entire front yards and parking their work vehicles and having multiple families and stuff. He asked Steve today to get a number for the letter of how many people in the last year that have come to the board with driveway problems, He wants City Council to look at the ordinance to see if there's anything that needs to be changed and he wants to see why they'r4e not requesting permits for drivways because it is a source of confusion for homeowners. Then the attorney can draft that letter and that letter can be to Council and then Council whatever the process is to contact Planning or whatever. He thinks this body needs to send a letter to Council saying they're sitting in front of people who had driveways for twenty (20) years and telling them they can't have them because they're not meeting those practical difficulties. They need a pretty good reason to say they can keep it. He personally doesn't know if there's an answer. If the ordinance can be changed to accommodate everybody. He's seen a lot of people who have basketball poles for their kids and want to add a couple feet. They've approved some people who have handicapped children that need extra space and stuff. There ar4e situations where there can be some leeway. The problem is the little residential house community. To keep that residential look is he thinks a part of this particular ordinance that's in the books now, they have a driveway. Arguing not parking in the street, he understands, but it's not the argument that's going to win. He's in the same boat they are in. He lives on a street where people are flying out of this condo place and he parks on the street because he has two (2) cars in the driveway. A lot of people use their garages to store stuff in it so there's not a lot of room. It is a problem. That is what he's going to request. He doesn't know if they can vote on this or not.

Secretary Jerzy said probably under new business.

Board Member Green said under new business he'll be requesting a letter be sent to Council and their city attorney can draft a letter based on their comments during new business. In the meantime, he doesn't know how the administration wants to handle this in the meantime. He thinks what they have to be careful with is this is complicated. They have a city ordinance that specifically says in the authority of the Building Department limitations. He wants to read this into the record so it's pretty clear where they're coming from. They weren't born yesterday. Under no circumstances the Building Department permitted to make changes to an ordinance or vary the terms of any application in carrying out the duties of Building Department. Nor shall the Building Department be permitted to grant exceptions to the actual meaning of the ordinance. So, that's pretty clear that the ordinance they have, they have to work with it until they change the ordinance. If the answer is to change the ordinance. Hopefully, after they vote on this, whether they're denied or approved, so listen to him and hear him what he's telling them. Whether denied or approved, he has to vote to deny. It's a city law. The bigger problem is there are some people out there who are pricks turning people in when they know just to be mean. That's not the purpose of what they're trying to do up here. They're going to try to solve their problem, but they can't solve the problem today. Solving the problem is not going to be as easy as it sounds. They have multiple layers of government in there.

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They're not going to sit here today… He's probably going to vote to deny, but if they get denied that doesn't mean they're not going to try to solve the problem for them. He thinks they need to sit back. He talked to Steve Watripont today and he gave him some ideas about having some administrative leeway but he doesn't know if he's for that or not. Coming out saying they don't need to get a variance if they have four (4) feet for their basketball pole, but he can see where that opens up. Where's the cutoff? Is it four (4) feet? Is it six (6) feet? It has to be thought out really well for them to change the ordinance. He wants to keep in mind that the Building Department has an ordinance that says they have to carry out their duties as the Building Department because it's the law. It doesn't meet the practical standards as they sit here today. That's how he's going to try to solve the problem for them and make it realistic. They're not allowing people to pave their entire front yards. They're not allowing people to put ten (10) or twelve (12) feet unless they can prove a practical difficulty; and that's what the variance is for. It's disappointing that they've had it for ten (10) years and now it's coming out. That is out of their control. They didn't do it to them, somebody else did it to them. They need to appreciate that. Did he make any sense?

Secretary Jerzy said he made absolute sense.

Board Member Green said alright then he's done.

Secretary Jerzy is proud of him.

Board Member Green thanked him.

Board Member Sophiea has a different view. The function of this board is to evaluate the unique circumstances of each item independently without precedence of others. He's looking at the Google image of this house. Unlike other petitioners that they've seen with small yards, this is a wide lot and the driveway is ton tastefully in his opinion. It's been there for eleven (11) years. If this was a criminal case or a civil case, there's usually a statute of limitations,, which in his opinion has far been exceeded. Not to mention, a building permit was pulled for the garage floor. He knows the building permit the inspector comes and looks at the garage floor. In his experience with the inspectors in Warren, they're very thorough. That peace is not allegedly part of the garage floor permit. It's right out in the open, it's not some inconspicuous spot in their backyard. In his mind, if the building inspector was out there eleven (11) years ago. He saw that the sidewalk slab was new just like the garage floor. If there was a problem eleven (11) years ago was the problem to address it. Not now. This is definitely a yes vote for him. He evaluates each one of these driveways individually based on the uniqueness of the lot. Thank you.

Secretary Jerzy said both of his colleagues brings up great points. To Mr. Sophiea's point, they do need to evaluate each one on an individual basis. There's a few of them that have been on the board that they had pre-existing conditions. The homeowner bought the house with cement poured to the side. They wanted to put up a shed and then all of a sudden this got red flagged undenounced to them. They passed stuff like that in the past but he fully agrees every property is unique. They all kind of have a good argument with this. When they grant this it goes with the land forever more; there is no reverse. They have good intentions with it, doesn't mean somebody else won't start a landscaping company and just put trucks. He's trying to do devil's advocate for some of his board members who feels like it could potentially see they have some room here and can put multiple trucks in there and be a good spot to buy for their business. The Mr. Green's point, since the last meeting he's been doing some thinking about what he just said about sending this to

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council. They take a vote as a board, come up with some kind of unanimous vote to send it back to council for review. Just like they stated last meeting they can have one of these a meeting for the next 20 or 30 years for as many as there are in this town. It's not just this neighborhood. He also feels like he needs to put on the record they need to stop being a complaint driven city. That just puts neighbor against neighbor. Makes living conditions awkward for people who invest to live in the City of Warren. Be a little more proactive with this current administration and next administration. They need to be more proactive instead of all of a sudden they got him. That to him is no way to operate indefinitely. He does like the idea of putting the permitting for a driveway. That was a good thought. He thinks there's been a lot of good thoughts on this board from whatever angle they want to approach it with. To Mr. Green's point they're kind of bound by the law. Also, to Mr. Sophiea's point they have to take everything as a case by case basis. He lives in that area, that street is busy. There's big busses; that's a bus route. It has the cut outs on the street which actually make it nice because it's not a drag strip going up and down there. He remembers when his (inaudible) bought the house he thought it was cool that Newcastle had kickouts and didn't have to worry about people going and up and down the street. From their perspective, at least his perspective, there's no easy solution with this. It is tastefully done and he does agree with Mr. Sophiea and agrees with Mr. Watts and Mr. Green. He's torn in half in what to do here. He also agrees to do what they discussed last meeting with Mr. Nestorowicz's comment where maybe they grand father it a certain way. He doesn't know what the answer is but that's going to be for council to try and re-evaluate and look at this through a different set of lenses and come up with what fits. With that he'll yield the floor.

Board Member Lindsey has been having a hard time hearing himself talk and apologized. Just to kind of echo some of the comments that his fellow board members made. He thinks these people are in a really tough spot and he does feel really bad. This really puts the board in a tough position. The way he looks at this, the unfortunate circumstances is they have had that driveway. Had the proper processes been followed when they requested the permit, it would've been required to get a variance on it and it probably would get denied. This is something the board hasn't really favored. Now they're seeing kind of people coming to the board after the fact and kind of saying they had it and wanting the variance. If it would've went through the procedure the first time, the variance would probably get denied before they poured concrete. He feels bad for them. He doesn't know how this is happening in their neighborhood suddenly. It kind of sucks for everybody involved. He thinks the board members are included on that. He looks at this and will be a no vote. He looked at the building permit specifically for the garage floor, how the concrete gets poured past that for eleven (11) years, he doesn't know. That's not really why they're here to decide. He sees this again looking at the practical difficulties. If this was put up for a variance for concrete where it was poured, he would vote no on it then. He's going to continue to vote no on that today. He just really wanted them to understand where he's coming from so that when he does vote no they can understand why. It's an unfortunate no vote for him.

Board Member Watts wants to go back. He wants one of the inspectors to come up, too. He has a question for them. He wants to go back to one of the comments the gentleman on the other side of the room there about the place with the trailers. They put the pad in and run a business out of there with the trailers and what have you. That's the kind of problem they're faced with. That guy is definitely out of code. He understands.

(Inaudible)

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Board Member Watts said yes he does, on the one side, yeah. He saw it when he went by it. He's going to lose his mind if that was on his street. The thing of it is, and he's going to say it again. Somebody moves in there and extended their driveway so others do it. These people just do it and find out later on. He gets it. These people are in a bad situation. What he's wondering…

(Inaudible)

Jennifer Pierce said point of order. (Inaudible) They can't be taking questions from the audience. If someone wants to speak, they need to get permission from the chair.

Board Member Watts can't really tell by looking at the picture and he doesn't think it's on this print, but how close is that concrete to the edge of the property line. Is that conforming to the ordinance of how close they can be to the property line with something?

Steve Watripont said as far as the cement, it is far enough away for a setback.

Board Member Watts thanked him and said that's all he's got.

Board Member Sophiea said that's a good point he's raised. The ordinance said the driveway cannot extend passed the sidewall of the garage.

Steve Watripont said sidewall of the garage is what the ordinance allows. Engineering only allows to the length of the opening of the garage for the apron. Zoning only allows it to the garage.

Board Member Sophiea asked what if the drive is perpendicular to the garage.

Steve Watripont said they have a turn radius but it's not more than the width of the garage for the approach on that.

Board Member Sophiea said there's some home on that street on the Google image where there's a wide turn into the garage. Obviously the drive is the same width as the opening of the garage door.

Steve Watripont said once they get past the edge of the house it can go wider, too. That's mostly where they get their turn.

Board Member Sophiea thanked him.

Chairman Nestrowoicz asked for questions or motions.

Motion:
Board Member Watts made a motion to deny the petitioner's request to retain widened portion of the driveway from the south front corner of the garage 10' towards the south property line.

Reasons being: Wasn't a burden; Self-imposed; Property is not unique; It's a detriment to the area; Wasn't necessary.

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Board Member Assessor supported the motion.

Chairman Nestorowicz said they have a motion to deny by Mr. Watts, support by Mr. Assessor. Yes vote is to deny.

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

Board Member Watts	Yes, to deny for the reasons stated in the motion.
Board Member Assessor	Yes, to deny for the reasons stated in the motion.
Board Member Green	Yes.
Board Member Lindsey	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 Sophiea	No, practical difficulty has been met.
Secretary Jerzy	No, practical difficulty has been met.
Chairman Nestorowicz	No, agrees with his previous two board members.

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

Chairman Nestorowicz told the petitioner's to speak with Steve for next steps.

(Inaudible)

Chairman Nestorowicz said not at this time.

9. PUBLIC HEARING: **APPLICANT: Jessica and Jonathan Smith**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 32922 Newcastle
LEGAL DESCRIPTION: 13-02-130-004
ZONE: R-1-A

VARIANCES REQUESTED: Permission to
Retain the widened portion of driveway that extends 12' 11" from the southwest corner of the garage toward the south property line.
ORDINANCES and REQUIREMENTS:
Section 4.06 – Yard Use: No part of any required yard, except a rear or side yard shall be use 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.

Jonathan Smith and Jessica Smith appeared before the board, 32922 Newcastle.

Jonathan Smith said they're very close to the corner. It's a very dangerous street. They've had a car stolen from the driveway. They've had people trying to break in and had the wife barricaded in the house. This is a very unique situation. They did this six (6) years ago. They were under the understanding that they could have a driveway to a trailer in the backyard. How do you get a trailer into your backyard? Do you drive it over muddy grass? How can they get the trailer out?

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They can only fit two (2) cars in the driveway and they have a four (4) bedroom house. They can't expand it and they checked with the company. The company said permits were needed from the sidewalk, as long as they don't touch the apron, it's in the garage, but they're allowed to have trailers. Correct? Which can be parked in the backyard. How do you get to the backyard? He went to the city three (3) times before he got a little bit of clarification. They were talking about how they can't bump out the garage or the side driveway unless they were a certain feet in front of the garage. That was with Susan, which was who wrote the ticket and somebody else. They were told at the very worse they're going to have to cut some of the driveway out, but not the whole thing. The trailer was only for recreational use. On the weekends they like to go up north and have a good time. They got cited for the trailer after they built the garage. When he went in to figure out what it was, he thought it was the driveway. He was upset at the company that did the pour of the concrete. They said no it's not the driveway; it is the trailer. It's parked too close to the back of the house. It was in the backyard behind the fence. Too close to the house is what they said. It's not the driveway, but they have to get the trailer out. They're on their third year paying to have the trailer stored. They just did it in a way to make it make sense and reasonable.

Jessica Smith said when they came out and cited them two (2) years ago for having the trailer too close to their house, they said nothing about their driveway at that point in time. They now pay eight hundred dollars a year after pouring their driveway being told there's no permit needed. She would suggest when they're going to make their recommendation is permit and zoning should be one thing. As a citizen, if they're told that they don't need a permit, they have absolutely no idea what 4.06 means.

Jonathan Smith said it doesn't make sense. If you read that to him, it doesn't say anything about it.

Jessica Smith said any average citizen, in her opinion, would not be able to comprehend what that means they cannot expand their driveway. Just saying they might want to clarify that.

Jonathan Smith said the company is reputable. They've been in Warren for thirty (30) years. He does Warren business. If they look at it, they did widen it. When they had the concrete to be poured, they clarified that they didn't need to do anything permit wise. It made sense to get the trailer around the corner. Park up on an angle, it's a blind spot. To get a trailer back there is crazy.

Jessica Smith said they did it as conservative as they could in order ot get their driveway so they can get the trailer into the backyard into the side of the house.

Jonathan Smith said this ticket came March 3rd or 1st. Actually, someone came to their house saying they had $10,000 of water repair done in the leaking basement. The gentleman comes on the 3rd, final grade not approved. He gave him a card, which he believes is Jarvis. He got a bunch of cards from when he went up there to try and get an understanding. Nobody knew what was going on. Nobody. They all got pushed into this variance. They didn't ask to be in the variance. So when he went up there when he got this citation three (3) days after that they got the letter in the mail saying same date as this disapproval. He thought it was all connected. He went up to the city and he doesn't know how they are hitting him on both sides. This was a final grade March 3rd, the frost Roozen this much. He still has about $15,000 of work to do to fix his house. The company will not answer his calls they won't respond to him, because the city is

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denying them. They don't want to work with them anymore because they made a final grade for three (3) inches. The good thing was when they built the driveway, they went ahead and put a garden. His family spent a lot of time building a garden, they have a dirt garden, they have nice things. They had no idea what happened. Nobody got ahold of them, nobody talked to them. Company hadn't reached back out, so he took care of it himself. He dissolved his garden to get a patio done because it's uneven, crazy, and it's dangerous. He spent a couple days trying to fix it a few years back. It's time to get it done. They're going to save up and get the patio done and get the driveway corrected so they can put their trailer in the backyard. They're getting hammered every which way. There is no leeway anywhere. They were almost assured going through this process. They were seeking remedy. Cutting up the driveway, what! They might have made a mistake somewhere down the line, but they have been mislead. He is at a loss for words.

Jessica Smith would like to say she understands their position. It's very unfortunate that this one person came and got denied. The associate of the city that did it, might she add, and she submitted the documents to her so she told them she would them either quit or fired within a one (1) week period and then they received a court date.

Jonathan Smith said she has concrete missing in her driveway into her front porch. Open, no concrete.

Jessica Smith said it seems like a bigger issue for them to come through and deny thirty (30) people. Like the gentleman said, if they look at their block it's not cookie cutter. There is a dozen houses where their driveways face north and south. There's people That have circle driveways and a driveway, two (2) of them. They have a very wide yard as well. They have a lot of grass they maintain it. They've done a ton of work. She just thinks the one issue should maybe have been settled with the person and employee instead of now. What is the neighborhood going to look like in the property value. They make thirty (30) people rip up their driveways.

Jonathan Smith said there's garages on that street that face the back of the house.

Jessica Smith said they literally look like they have a parking lot.

Jonathan Smith said it goes from the sidewalk along the edge of the property all the way to the back of the property line so they can get into their garage. The whole entire thing they can fit twenty (20) cars in their driveway. They can fit two (2) before they expanded it. Now they can fit three (3) and maybe force four (4). It's not for business, it's for his kids to have a safe place on that corner. It's for him to take his two (2) kids to school and not have to move a different vehicle to get this vehicle out because the other vehicle only fits two (2) people. It's his property. Last year they paid for the sidewalk, for the city sidewalk. They come and tell them they have to pay for the sidewalk. They pay for their trailer in storage. They come onto their property this year, he guesses they don't have property rights, and now they're demanding they cut up their driveway or it's $1,000 a day. It doesn't make sense. Something is wrong with this situation and he's going to keep digging around. He doesn't know what else to do. All they want to do is have their three (3) cars in the driveway and live their lives. They don't mess with anybody, they pay their taxes that are almost as much as their mortgage. It'll only take a year or two (2) and his taxes will be as much as his mortgage. They get hammered everywhere they go all the way through this. He lived in Warren his whole life and never had any issues. Ever.

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Jessica Smith said it's just a very unfortunate situation because they're hard working people and they're just trying to raise their family. They pay $7,400 a year to live in the City of Warren. Have had an escrow shortage every single year. When that man tried breaking into her house, and she knows it has nothing to do with this, but she just feels like everybody's resources can be done better. She was told by the 911 operator to hang up the phone and call her husband. A police officer didn't show up for an hour and a half. She was in the house alone with her three (3) children. That is what they need to focus on. He understands they are in a hard position, but she doesn't think they should be holding hearings when all they can do is deny it based on the variance.

Jonathan Smith said they were pushed into this process. The first time they went there, the gentleman who he believes is Gary, which is the guy he was told to get ahold of for the non-approval. He told them they got themselves into a mess on this one. Take the letter, it's not properly spelled; it doesn't make any sense. He said to put his name on there and they're going to make a copy and they'll get in touch with him. He goes to the city because his water tank is leaking a week afterwards. He goes there, he's preparing to do it himself because he can't afford to pay the $2,000; big run around. He hasn't pulled a permit because they have this non-approval, harping on him about this one. He would rather clean up water on his floor than do this public stuff. It's not his thing. They have all this other work to get done. They put everything on hold because of this situation. There is no outcome, still in limbo.

Jessica Smith said to hold anymore of these hearings is a waste of anybody's time because all that's going to happen is everybody is going to keep getting denied. When they were here for the other neighbor.

Jonathan Smith was told to come here for this. They were told that they were going to be brought into a room together and go through this because this was a big problem. He was told by all these people. The people behind the counter had no idea they were upset, visibly angry. Don't pull up the driveway. Fight. This is what the employees were saying to them. The people behind Engineering desk. It went on and on. It was the third time. He called her on a Thursday. So Monday she called him back when he was at work. He doesn't know what to do about this. He's been trying to figure out. If he comes in they'll help them. He goes there and all she did was show him this. She lead him to believe that she was going to help him understand the paperwork. She told him to fill this out, make these measurements and she'll postpone the court date. HE said fine, that's ok. There was a week when he heard nothing. He called back and was informed she doesn't work for the city anymore. Next day, appearance in court. No matter what they do they can shut down and nobody knows what's going on. All they're doing is chasing their tail. Yesterday was their fourteen (14) year wedding anniversary, he spent the night preparing for this after the kids baseball practice. It's crazy they're missing their kids first baseball game tonight. This is silly. If they did make a mistake, write them a fine. It was not intentional. They thought they did their due diligence. They did everything else, the company says whether they need a permit or not. That's what they go on. He doesn't know if that's what he's supposed to with every single thing. He thought the business would be the one that would be held liable for something like that. He guesses that's all he has to say. He already knows what the board is going to say to them. But it feels good to get that off his chest because he's been sitting on it sine March 3rd.

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Jessica Smith thanked them.

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

Tom Plazowski, 32052 Newcastle, said he's watching this whole thing here and he's amazed. This is supposed to be a committee of adjustment, right. It's not a committee of laws can't be changed or nothing can be done about it. It's a committee of adjustment. They have to have some common sense here a little bit. The way things are going here, it seems that the attitude is they'll just cut up all these driveways, put all the cars in the street, and have chaos. Absolute chaos in the middle of the neighborhood. They say they're doing this to keep up the standards of the neighborhood, but they're not. They're not keeping up the standards of the neighborhood. These are pieces of property that have one hundred foot frontage. It's not like it's all jammed together. When these subdivisions went in the 60's they didn't have three (3) or four (4) cars in a household, which is very common today. Yet, nothing seems to change. This is the rules in black and white and don't step out of line because they're not happy with that. They're talking about they should have gone for an adjustment for something where a permit wasn't required. How do they get an adjustment on something that doesn't require a permit? They're going to deny them because they didn't get a permit and didn't get an adjustment. There's no permit necessary at the time. Nobody seems to recognize that. That's all he's got to say.

Chantel Burg, 32548 Newcastle, appeared before the board stating she was here before. She's gone to a meeting with the mayor to sit down with the mayor to try to come up with something with the mayor. Again, getting the run around with them saying they're looking into it. She personally would like to see the mayor, zoning and the council try to sit down and work together. Again, making phone calls they're still getting misinformation. Her neighbor is getting a $1,000 fine. Several of them are getting $1,000 fine where one neighbor is getting a $200 fine. Some neighbors are being told that they're grandfathered in where they're being told nobody is grandfathered in. Still misinformation. There is no clarity in reaching out to the city's legal department. She thinks all the entities need to work together to try to come up with a resolution instead of them coming here in this public forum where they're clearly saying they need to abide by the rules. They understand that, but they need a resolution other than getting misinformation. She emailed the mayor and people telling her they're going to call her back. City employees are giving her their cards and then when they call back nobody is responding, nobody is answering. They have no direction. They don't know what to do. Even if somebody could tell them some direction because all of the government entities haven't sat down to come up with a resolution; they don't know who to listen to They don't know what it is that they should be doing. She's asking the mayor directly if they should be worried about getting these $1,000 a day fines until they come up with a resolution. If they're saying at some point they have to rip their driveway up. How doe they save money to rip up a driveway when they're charging them $1,000 in fines every day. One of her neighbors was absolutely given a fine. She paid the fine. Her fine was only $200. Then said she was grandfathered in and gave her money back. Who is grandfathered in and who isn't? They need some real clear dir4ection. Thank you.

(Inaudible)

Dan Prate appeared before the board asked if anybody on the board is in their neighborhood. Is anyone in this room (inaudible) a driveway. (Inaudible) about the people in the neighborhood.

Not necessarily a board. The letter that they received, he received one too, is very traumatizing. He received it on a Friday, he showed up as early as he could on a Monday. Extremely traumatizing to his wife and him. Their driveway has been in existence for fifteen (15) years. They literately carpet bombed their neighborhood because of one person. The correct decision would have been to correct that person. They're all here because of the decision they made and now they're making decisions to cover up the first decision. He doesn't have an appointment here, but he's here to speak as a citizen and as a neighbor oft his neighborhood. There is nobody else in this room that he knows of that would deny having a driveway in their neighborhood. He's good with it. That's all he has to say. Thank you.

Chairman Nestorowicz thanked them all for their comments. He asked Mr. Jerzy…

Secretary Jerzy said they have three (3) things to read into the record.

Jonathan Smith said it kind of is ridiculous thing and he's sure they all know this. They were told to pay $90 to come here and they may be able to keep it. Now they're told the law is the law. Well, then what is the point of coming before the board if that's all they're going to say. They can't go they understand their circumstances. They'll allow it, it's been eleven (11) years. It's been ten (10) years they'll allow it. It's been twenty (20) years we'll allow it.

Chairman Nestorowicz closed the public portion and turned it over to Mr. Jerzy. He has a couple things to read in.

Secretary Jerzy said this is from Dougles and Christine Burg who reside at 32921 Newcastle.

> "To Whom It May Concern,
>
> Please find attached our letter in support of the driveway expansion at the residence of Jessica and John Smith, located at 32922 Newcastle Dr., Warren, MI 48093.
>
> As Neighbors who live directly across the street, we wanted to share our positive experience and express our full support for the improvement. The driveway expansion has been in place for approximately six years, has been well maintained, and has been a positive addition to the appearance of the neighborhood.
>
> Thank you for your time and consideration."

Next one is… Did they submit an email.

Jessica Smith said she just submitted extra stuff in an email. They don't have to read it.

Secretary Jerzy said he can read it into the record, that's fine.

> "To whom it may concern,
>
> We are to appear in front of the zoning board tomorrow Wednesday May 13th at

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7pm.

We would like to make note of the business cards we received from the multiple visits to the City building. (Attached)

The initial letter and subsequent variance with cited code. (Attached)

I would also like to notate the number of different and unique property configurations on Newcastle between 14 mile and Masonic.
There are 8 driveways that face either east or west with expansions, 9 driveways that have south facing garages. 7 driveways that have north facing garages and 2 homes with both a driveway to the garage and a circle drive in front of their house."

Jonathan Smith said that's some talking points.

Secretary Jerzy said basically he covered everything that's here.

Jessica Smith said it wasn't that. It was just the notice of how many different properties on there. The copy of the business cards that they have and then just another image of the property because they didn't originally submit that.

Jonathan Smith said just show the clarify they weren't given.

Secretary Jerzy thanked them. The next one is from Leann Jones who resides at 32933 Newcastle.

"To the Zoning Board of Appeals,
I am writing in support of my neighbors, Jonathan and Jessica Smith, regarding the driveway expansion at their home.
I have lived across the street from Jonathan and Jessica for several years and have always found them to be respectful, considerate, and responsible neighbors. Their home and property are exceptionally well maintained, beautifully cared for, and are a positive addition to our neighborhood. They take great pride in their home, and it clearly shows in the appearance and upkeep of their property.
The driveway expansion that was completed approximately six years ago has never created any issues or concerns for me or, to my knowledge, for the surrounding neighbors. It has blended naturally with the property and neighborhood and has not negatively impacted the appearance, safety, or character of the area in any way.
In my opinion, requiring them to go through this process after so many years seems unnecessary, especially considering the care they put into maintaining their property and being good neighbors to those around them.
Jon and Jessica are exactly the kind of homeowners any community would want, and I fully support them and respectfully ask the board to consider approving this matter favorably.
Please feel free to reach out to me at the number below with any questions or further clarification."

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Secretary Jerzy said that's all he has.

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

Board Member Watts said he's not going to repeat himself because he knows they were here. He hears them loud and clear. He hears everybody loud and clear. Now, he doesn't know what they're telling them at the desk, but he understands that and gets it. If they're telling them they have to go for a variance, yes you can. That doesn't guarantee they're going to get it. They have criteria that they have to follow it has to fit into. That's where the problem is.

Jonathan Smith asked if they should be aware of the criteria. Maybe they could have addressed some of that stuff.

Board Member Watts doesn't know on that. He gets it. He doesn't know what the solution is. He hears the other stuff, but they're still in the same situation. He doesn't know what went on with the trailer. He had the same problem. He got a violation for his trailer and he had to take care of it. He hears them, but they have criteria they have to follow and they turn down one (1). They actually turned down (2) and they have to turn them all down.

(Inaudible)

Board Member Watts said Steve has it. He asked if he has something he wanted to address to them.

Steve Watripont said he'll put this on the record. The criteria is that worksheet. That's what they have to follow, They have to have hardships that meet that criteria.

Jessica Smith said the questions they answered. Understood.

Steve Watripont said the questions they answered, that's part of the criteria. They have to meet that and go from there. They have to fulfill those.

Board Member Watts thanked Steve. He's all set, thank you.

Board Member Green said again, he knows they have to sitting up here they have to follow the rules doesn't do s*** for them. Doesn't make them feel any better. Doesn't make the situation any better. They cant grandfather a law. They can't do it.

Jessica Smith would just really like to understand.

Board Member Green doesn't think everybody being mad is going to get them anywhere. He doesn't work for the city, he lives in the city. What he's been seeing the last… He's new on the board, but he's been seeing people paving their entire front yards and parking ten (10) or twelve (12) cars in it on his street. It's not one (1) house, it's multiple houses. Somewhere along the line, whether they like it not, they need to address the driveway

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issue. They're not running a businesses, they don't have a bunch of people living in the house, but the more he sits here, the more he starts to realize what's going on. They're going to send this letter and it's going to get sent over in a timely manner. Someone is going to have to spend some time on it and ask specific questions. In the meantime, he doesn't think they're going to be getting charged $1,000 a day. He doesn't work for the city. All he can say is he wants the letter sent and they're going to vote on it in new business and they're going to put the things they want. They want to understand why there's all this confusion. Right now he's finding out why there's confusion. Number one, there should be a permit for a driveway. Number two, he wants to ask Steve this question if he can,

(Inaudible)

Board Member Green said they had a person come up and say they spoke to the mayor and thinks maybe they're starting to figure the problem out. This can be solved. His concern is, with all due respect Steve to all departments, he doesn't know what's going on. This one person has a list, and he's trying to be as nice as he can because he's not that nice, of all these cards of people that went out. That means not one of those people when the project started went and looked and said that's not going to pass. Why did nobody say that? He's trying to figure out what's going on Steve. He's being nice. All those people, there's seven (7) cards on that one. Not one person looked at that and said it's a violation of the ordinance so don't do it. Everybody who they spoke to the last few months have been saying it's great. Everybody said they were cool.

Steve Watripont can't speak for the people that were there.

Board Member Green asked who can speak for them?

Steve Watripont doesn't know who the people are.

Board Member Green said he wants to know the people are that can speak for them, Steve.

Steve Watripont said they can speak for themselves. He can't speak for that individual.

Jennifer Pierce asked if she could make a clarification.

Board Member Green said he doesn't need a clarification. He didn't ask for a clarification.

Jennifer Pierce said the petitioner was given after, not before.

Board Member Green said when they came out for approval for their driveway that was before the driveway was poured. When they put forms put in. They've had multiple ones Jennifer of people who have forms put in that are told not to pour or told they can pour based on information they're getting from the city. He doesn't care when they got the cards or not, and she can protect the administration because that's her job, but he's been sitting here listening to this for the last year. Something is not right. Where in this whole system is somebody saying that… who is in charge? Who is the person that's supposed

APPROVED

to say they're going to take care of this.

Steve Watripont said he can speak for himself as a zoning inspector. If he goes out, he's quoting zoning laws. If someone has an electrical problem, he doesn't say anything. That's not him. He doesn't try to correct someone else's problem. If they have a building issue, he doesn't try to correct it. He doesn't know who those inspectors are. Engineering has inspectors. They have a lot of inspectors in the city. This is a zoning ordinance issue and they do not go out and inspect out in the field for this type of thing. He can almost guarantee none of those seven (7) cards are zoning inspectors that know the zoning ordinance.

Board Member Green asked how many zoning inspectors are there.

Steve Watripont said they have seven (7) zoning inspectors.

(Inaudible – Multiple people speaking at the same time.)

Board Member Green said to the petitioner to please don't. They're going to hurt themselves. That's almost all of them. Somebody in that group saw that this whatever.

Steve Watripont doesn't know when they went out there. He knows they have his card and he knows he was not out at this property. You can pick up cards at the desk all you want.

Board Member Green said there's a process. Somewhere there's a problem. He's not an idiot. Somewhere there's a problem and it's not the board. There's a problem somewhere and somebody is dropping the ball on all of this stuff.

Steve Watripont doesn't disagree with him on this and he does think there needs to be some clarity, but the ordinance is what the ordinance is.

Board Member Green said he's tired of sitting up here and having people b***** at him because of something he doesn't control. When he asks someone who controls it everybody says not them.

Steve Watripont controls part of the ordinance on enforcement.

(Inaudible)

Board Member Green thanked him.

Chairman Nestorowicz asked for any other comments or concerns.

Board Member Lindsey wants to make a comment. They all on the board hear the concerns that these citizens are having. At the end of the day, whether the homeowners know it or not, he's not going to get into that, there is an ordinance. They have to have a permit to extend the driveway passed the garage line. That's the ordinance. The fact that they're all up here and this is happening, is because cement was poured and there is no

APPROVED

permit for it. When something is outside of the ordinance it requires a variance. That is what they are here to decide, whether they will grant the variance or not. He doesn't know what lead this whole neighborhood to getting cement poured without permits. Whether it was contractors, people at the city. He doesn't know. That's where the board can empathize with them. They feel bad, but their job is not to set the permit. The permit is required. A permit wasn't pulled and that's why they're having this conversation. He's not going to repeat his former comments. They've all kind of said their peace on these things. He wants them to understand the accountability has to be with the homeowner at the end of the day. Whether it's right or wrong, permits are required, permits weren't pulled.

Jessica Smith asked if she can ask a question. She understands that fully, it's just…

Chairman Nestorowicz said no question was directed to them.

Board Member Lindsey is ready to move forward on this.

Jennifer Pierce knows what Mr. Lindsey means, but no permits are required for the driveway.

Board Member Lindsey asked past the…

(Inaudible)

Jennifer Pierce said zero permits.

Board Member Lindsey said ok.

Jennifer Pierce explained no one is coming out to inspect anything because there's no permits. While it is on the homeowner to know what the ordinances are and how far they can go with their driveway, she agrees, but only for Engineering standards past the sidewalk is there a permit required.

(Inaudible)

Board Member Watts said if there's nothing else, he's ready to move forward.

Chairman Nestorowicz asked if there's another comment.

Board Member Sophiea wanted to add that's why he's supporting these petitioner's on a case by case basis because no permit was required. It's up to the board to decide whether a variance is warranted based on the uniqueness or not of the property. This is another case where he thinks it's tastefully done. His problem with the driveway extnsions are when they extend in front of the front porch and on that side of the yard. This is on the other side to get into their backyard. Again, he has no problem with this.

Secretary Jerzy said to that point, Mr. Sophiea, he thinks he can't speak on Mr. Clift's behalf but he brought up that point with the last meeting. He was ok taking one in the side set back versus going into the front set back. Two different animals, but Mr. Clift did bring

APPROVED

up that point that he just raised up at the last meeting.

Board Member Sophiea said of course it just depends on the uniqueness of the property. He knows each petition is a unique independent decision.

Chairman Nestorowicz said Mr. Watts, he's not hearing any other further comments or discussion.

Board Member Watts is prepared to make a motion.

Motion:
Board Member Watts made a motion to deny the petitioner's request to retain the widened portion of driveway that extends 12' 11" from the southwest corner of the garage toward the south property line.

Reasons being: Not a burden; Self-imposed; Property is not unique; Detriment in his opinion; Not necessary add on.

Board Member Green supported the motion.

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

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

Board Member Watts	Yes, to deny for the reasons stated in the motion.
Board Member Green	Yes.
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 Perry	Yes, to deny.
Board Member Sophiea	No, the practical difficulty standard has been met.
Secretary Jerzy	No, the practical difficulty standard has been met.
Chairman Nestorowicz	No, the practical difficulty was set.

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

Jennifer Smith says understood. She recommends finding a different way to deal with it because the news will be here and it's just the most ridiculous thing. There is no point in taking $95 of their citizens money when they already know they're going to say no. Have a good night.

10.

PUBLIC HEARING:	**APPLICANT: Susan Elliott**
REPRESENTATIVE:	Melissa Melancon
COMMON DESCRIPTION:	8331 Christine
LEGAL DESCRIPTION:	13-15-152-034
ZONE:	R-1-C

VARIANCES REQUESTED: Permission to

APPROVED

1) Allow a 7' 6" x 7' (52.5 square ft.) shed located 19' 8" from the detached garage.
2) Allow a total 774.5 square ft. of accessory structure floor are which includes a 52.5 square ft. shed, 120 square ft. covered rear patio and 572 square ft. detached garage.

ORDINANCES and REQUIREMENTS:

Section 4.20 – Paragraph (a) Item 3 – Detached Accessory Buildings: That the accessory building to be placed against any other accessory structure, such as a detached garage, that may exist in the yard. Only one (1) detached accessory structure shall be permitted in the yard.

Section 5.01 – Uses Permitted: In all R-1-A 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: (i) … All garages and/or accessory buildings shall not contain more than seven hundred (700) square feet of floor area.

This item was rescheduled to May 27, 2026 during the adoption of the agenda.

11. PUBLIC HEARING: **APPLICANT: Wayne Craft Inc**
REPRESENTATIVE: Jason McFall
COMMON DESCRIPTION: 32326 Exeter
LEGAL DESCRIPTION: 13-05-132-028
ZONE: R-1-C

VARIANCES REQUESTED: Permission to

Allow a 4' 4" x 18' 11" (82 square ft.) covered front porch to extend to within 22' 8" of the front property line in addition to a 484 square ft. detached garage and a 160 square ft. enclosed patio of the rear yard for a total of 726 square ft. of accessory structure floor area.

ORDINANCES and REQUIREMENTS:

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

Section 5.01 – Uses Permitted: In all R-1-A 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: (i) … All garages and/or accessory buildings shall not contain more than seven hundred (700) square feet of floor area.

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.

Jason McFall appeared before the board saying he is from Wayne Craft, 13525 Wayne Road. He's here to get a variance approved for the replacement of a front porch awning on a house that's already there. It looks like it's been there from the 60's or 70's. Then it looks to be an existing rear hybrid sunroom type structure on the back that's got a wood roof and sunroom walls based on the photos that he had seen that they did not do but it looks like it's been there for quite some time. They wish to do the awnings for the family at this home. Basically, a replacement for what's already there. Just to cover their porch and whatnot.

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

APPROVED

No response.

Chairman Nestorowicz turned it over to the board.

Board Member Watts wants to clarify. Looking at the photo of the home, they're replacing the awnings that are existing.

Jason McFall explained there should be an existing front porch awning.

Board Member Watts said yep, that's what he's looking at. So they're replacing those. Technically, there is no real change. Just replacing them. Thank you.

Secretary Jerzy said if no fellow board members have anything additional to say he's prepared to make a motion.

Motion:
Secretary Jerzy made a motion to grant permission to allow a 4' 4" x 18' 11" (82 square ft.) covered front porch to extend to within 22' 8" of the front property line in addition to a 484 square ft. detached garage and a 160 square ft. enclosed patio of the rear yard for a total of 726 square ft. of accessory structure floor area.

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

Board Member Assessor supported the motion.

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

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

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

12. PUBLIC HEARING: **APPLICANT: Steven Parris -USE-**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 21308 Sunset
LEGAL DESCRIPTION: 13-32-302-013
ZONE: R-1-C

APPROVED

VARIANCES REQUESTED: Permission to -USE-
Allow the dwelling to be used as a two-family residence in an R-1-C zoning district. USE
ORDINANCES and REQUIREMENTS:
Section 7.01 – Uses Permitted: Two-family dwellings are not a permitted use in an R-1-C zoning district.

Steve Parris, 21308 Sunset, appeared before the board stating he's resided there 2019. He's coming to the board today because he purchased a home that was built in 1954. It was built as a two story duplex, so it's nearly an identical footprint on the first floor and second floor. It has two (2) electric meters, two (2) gas meters, two (2) electric panels, two (2) boilers, two (2) completely different separate units that can't be combined without spending an exuberant amount of money to reconfigure the home. He purchased the home in 2019. The person he purchased the home from he purchased the home in 1989. In 1989 he had canceled the contract with the people that are renting the home. The home has been a multi-family unit rental since 1955. It was built that way. He purchased it with that understanding that it was a multi-family unit. He lives there and lived there since 2019. He does not rent out the second floor unit, but to modify the home would be extremely expensive. To not modify the home would waste almost 1,000 square feet of space that he purchased and paid for. He's coming here today because he would like to keep the home as a multi-family unit because the home directly behind him is a tri-plex. The home three (3) doors down, five (5) doors down from him, because there's two (2) empty houses, is a duplex. There's about forty (40) rental properties on his street and the street behind him. He has no intention of renting the home out, but he did purchase the home with the opportunity to be able to do that, but the home is not properly allocated a multi-family unit in the City of Warren. Like he said, there's two (2) kitchens, there's two (2) completely separate unit. They're identical. They're not side by side, they're up and down; first floor second floor. So, there's a completely separate furnace system running up to the second floor to the first floor. Like he said, there's water heaters. Everything is separate. Plumbing separate, everything is completely separate. The city is saying they would like him to remove the stove from the second floor to make it not a multi-family home is what he's been told. After all his electrical on the first floor. There was smoke damage fire to the home, so that's what kind of brought this up. As he's renovating the home with no insurance money because ten (10) months later State Farm has yet to pay him any money on this home. Anything above $50,000. He's basically footing all the bills himself. He ran all new electric wire, he ran new gas, completely repaired everything on the second floor. Everything has been approved and then the city is coming to him and asking him to demolish the second floor unit and just make it an empty voided space or spend approximately $200,000 in renovations converting the home. He doesn't have $200,000 for renovations and he didn't buy the home with the understanding that it was one (1) unit. Personally, this one he couldn't afford to modify the home to be one (1) unit. He's asking the board to grant him the permission to adequately zone this home for what it was built as in 1954. That's what he's here for today.

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

No response.

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

Board Member Watts has a question. When was the second doorway installed.

Steve Parris explained there's a total of four (4) doors on the home. There's two (2) doors; a door on the second floor to a safety balcony that was built as a fire escape in the event of an emergency on the second floor. There is a side door entry that's a combined joined door unit. So, the side door and the driveway can enter the basement, first floor or second floor through that. Then the front door privately leading to the second floor with no access to the front door to the front. During the process he pulled a permit, pulled out $5,000 in permits to add a second door to the front to make it easier to get furniture so he doesn't have to go and take his couch, massage chair, refrigerator, or anything through the dining room window to get it out of the home. He's just making it easier access.

Board Member Watts asked if he installed the second doorway.

Steve Parris said he personally installed a second door so it makes it a total of four (4) doors now.

Board Member Watts asked that he bought the home with his intention not to rent it as a duplex.

Steve Parris is not going to rent it as a duplex. Its just how he bought the house as. He resides there, has no intentions of moving until he might move to Almont one day when he has enough money to purchase five (5) acres with $400,000.

Board Member Watts said that's it. To Mr. Watripont, he has some questions. He asked if they have any records on this dating back as duplex, as a rental or anything like that?

Steve Watripont explained it's never been a rental duplex, never been approved anyway that they can find. As far as the permits, he would have to go look into that, but that still wouldn't have been a permit to allow it as a duplex. That would've had to of gone through this board to allow it as a duplex and/or be rezoned by the Planning Commission.

Board Member Watts said the next question. All permits have been pulled for what he's doing, correct?

Steve Watripont is not sure on that all that. He knows there was some enforcement for the electrical service release. He doesn't know if it's been pulled or not.

Board Member Watts sees that.

Steve Watripont said he would have to do the research.

Steve Parris said he pulled permits for two (2) new panels that were all installed, he pulled permits for two (2) new riser pulls, two (2) meters, two (2) outside services connects. All of that has been coordinated with DTE to make this process happen. All roughs are passed. All the new installations are installed. The drywall is in the front yard waiting to be installed. All rough permits are completed at this point and paid for.

Board Member Watts is looking at the other enforcement issues with trailers and vehicles and stuff on the lot. He drove by there, as he does with everything they get in the packet, are they into code onto that stuff?

APPROVED

Steve Watripont has not been by there recently. He doesn't know if they saw any trailers.

Steve Parris said there is a trailer parked in the front yard and that's because it's storing all the contents of his home.

Board Member Watts kind of assumed that.

Steve Watripont said they do allow that.

Steve Parris said he has two (2) trailers on the property and that's because of the contents of the property and what's in those trailers are temporary.

Board Member Watts is all set.

Secretary Jerzy has a question for Steve. The guy with less hair.

Steve Watripont said he has more than him.

Secretary Jerzy said he brought up a good point about other houses on that block. He asked if that whole block is R-1-C.

Steve Watripont said R-1-C or R-1-P. If he gives them those addresses they can start looking into them for enforcement and go from there.

Secretary Jerzy wanted to make sure.

Steve Parris said for the record the one is 21150 Sunset. It has two (2) porches, two (2) doors, two (2) separate electrical panels. He's actually been in the backyard because he's helped the neighbor cut down their tree during a storm and hauled it away for free for him.

Secretary Jerzy said the thing is he'll probably have to email Steve those addresses on the side. They're not going to air dirty laundry right here.

Steve Parris said they're legal properties with tenants. He went down and asked. They couldn't tell them individual addresses, they had no way to look it up individual addresses. He wanted to actually show the board in this one (1) square mile they have fifty-four (54) duplexes. Or whatever the number might be.

Secretary Jerzy said that's kind of what he's getting at. Is this one of those subs where it's piece mealed together where they got multi.

Steve Watripont hasn't been in the field in a while, he's not sure if it is. There's a couple on the south end on the east side, he's more on the west side so he's not sure if the street is. Most of the ones he's been to over there are single family.

Secretary Jerzy thanked him.

APPROVED

Chairman Nestorowicz asked for questions or discussion. Are there any motions?

Board Member Lindsey said if nobody else has any questions or comments, he'll make a motion.

Motion:
Board Member Lindsey made a motion to grant permission to allow the dwelling to be used as a two-family residence in an R-1-C zoning district. USE

Reasons being: Property is unique; Not self-imposed.

Board Member Sophiea supported the motion.

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

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

Board Member Lindsey	Yes, for the reasons stated in the motion.
Board Member Sophiea	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 Watts	Reluctantly, yes, for the reasons stated in the motion.
Board Member Green	Yes.
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: Ferris Golan -USE-**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 26247 Schoenherr
LEGAL DESCRIPTION: 13-23-277-032
ZONE: R-1-C

VARIANCES REQUESTED: Permission to -USE-
Operate a private business office within the home exclusively for the administrative and record-keeping purposes of a driving school, with no employees or clients visiting the property. USE
ORDINANCES and REQUIREMENTS:
Section 7.01 – Uses Permitted: Operating a business from a residence is not a permitted use in an R-1-C zoning district.

Ferris Golan, 26247 Schoenherr, appeared before the board stating the reason he's here today to request approval from the board is a small portion of his home. As a private office space strictly for administrative and record keeping purposes. Please note the following, no customers or clients will visit the property, no signage will be on site or on the property, no impact on traffic, parking or the residential nature of the neighborhood. The space will be used only by himself for office related work. This request is solely to maintain proper records related to his business and

APPROVED

will not involve any onsite business or operation or public interactions. Please let him know if any further information or documentation is required to process this request. Thank you for their time and consideration.

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

Susan appeared before the board stating she lives next door to him. She doesn't have a problem with him doing business in his rental home.

Chairman Nestorowicz asked her to state her full name and address.

Susan Korey lives at 26235 Schoenherr. She doesn't have a problem with whatever he's doing to the rental home, inside of it, because they share the driveway. Her dilemma is she wants to make sure her kids are safe. She doesn't want people to come over, like students, traffic. Whatever he's doing, it's his business, she just wants to be able to get in her driveway and leave and she doesn't want a lot of cars. He's saying there's not going to be people but what happens if he does not comply with whatever he's saying. That's all.

Chairman Nestorowicz thanked her for those comments. Not seeing any other audience members, he closed the public portion of the meeting and turned it over to the board.

Board Member Watts asked if he's running his business out of the office and stuff, where does he meet the clients at.

Ferris Golan picks them up from their houses and drop them back at their houses. He is licensed for teens and adults. Right now he's only training, so he's not conducting any classes or anything; just training. That's why he's providing for a provider for the State of Michigan. He's been doing this since 2000, over 26 years. Strictly training. He picks them up from their houses, drops them back at their houses after the training. That's it.

Board Member Watts thanked him.

Secretary Jerzy has a couple questions. He asked if he's the property owner.

Ferris Golan replied no.

Secretary Jerzy said this is a rental. The other thing, it's a driving school. Does he use his own… He's trying to understand because most driving schools have their own cars.

Ferris Golan has a 2024 car. It's going to be approved by the state. Of course they're going to pay him a visit to inspect the car. He installed a break on it. He's going to have a one million dollar liability on the car, proper insurance, documentation. Like he said, already the break is installed with the proper company. After the approval of the city then the state will pay him a visit to inspect all that. They need to see a desk. He just has a small room with a desk, computer, locker with a key on it so he can put all the students documents in there to secure and that's it.

Secretary Jerzy asked where he keeps the car. Is it on the premises or is it off premise.

APPROVED

Ferris Golan said his car is in his driveway.

Secretary Jerzy said the driving school car is in the driveway.

Ferris Golan said yes. He's going to have a portable sign. So when he goes to training he puts the sign, when he finishes his training he takes it off. It's magnet. He'll put it in his trunk. Like he said he'll be conducting no business with any students. It will not effect his neighbors or anybody else or the traffic like he said in his notes.

Secretary Jerzy said here's the slippery slope he sees. He's here just looking to use the home strictly as administrative record keeping purposes. Where they have actual property regarding the driving school itself on the premises. Whether it's a car, whether it's whatever, that's already… His concern is forward thinking as his business grows. They do exponentially well. He purchases two (2) cars, now three (3) cars. You see what he's saying? No offense to him, did he clear this with the property owner?

Ferris Golan replied yes. He signed it already.

Secretary Jerzy said not that he doesn't believe him, but if said property owner was here trying to illustrate a little better that would carry a lot more weight. He has a hard time having petitioner's renting property coming to fight for a variance that's going to go with the property forever more. They grant this it goes forever more, it's not just for the duration that he's there. That creates another kind of slippery slope for them as well. Those are just his concerns. He wishes him nothing but the best and success as an entrepreneur, but those are just his initial concerns.

Ferris Golan asked to allow him to explain.

Secretary Jerzy doesn't have a question.

Board Member Green said maybe Mr. Jerzy answered his question. If they approve this, it's a rental, the rental sells, the house stays a house where they can run a business out of it.

Steve Watirpont explained it would stay as a house where they can run it how it was written. It's not any business, it would be specific to how it was written. He didn't bring the form with him.

Board Member Green asked specific to a driving school.

Secretary Jerzy said jus the administrative part.

Steve Watripont said he did talk to the gentleman. They went through what his plans were and everything else. To be operating a private business office within a home exclusively for administrative records keeping purposes of a driving school with no employees or clients visiting the property. That is the variance before them. So it is… They do try to restrict it when it comes.

Board Member Green said someone could move in and run a car business.

Steve Watripont said they could run a driving school administrative and record keeping purposes

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only.

Board Member Green thanked him and said that answers his question.

Chairman Nestorowicz said the issue he always has is that slippery slope where this petitioner says nobody visiting and all that stuff, but if that stays with the property. There's only room for one (1) car in his driveway. He shares the driveway with the neighbor so nobody should be parking there ever or getting in the way, and he's located on Schoenherr which is a main street with a lot of traffic. So, they can't park in front of the house. He just worries that this is the kind of situation with a driveway extension or something. The issue he has is taking something that is residential neighborhood and allowing a nonresidential use in a residential house. That's his concerns.

Board Member Sophiea echoes the same concerns. He is a little bit relieved with the pretty specific description. Perhaps they can put a caveat that there's just one (1). The question for the petitioner is the vehicle he uses for business is that also his personal vehicle.

Ferris Golan replied yes.

Board Member Sophiea said there is only one (1) vehicle.

Ferris Golan said by the way, his driveway holds about three (3) or four (4) cars if you line them up like his neighbors. Like he said, only friends visit him and he never has any problems. His business will be nobody visits him.

Board Member Sophiea asked if his household just has one (1) vehicle. Does anybody else live with him? Other vehicles?

Ferris Golan replied no. He lives by himself.

Board Member Sophiea said maybe they can add there's just one (1) vehicle related to the business.

Secretary Jerzy thinks they start getting into the fact of actual property towards the business. Steve worded it pretty creatively and good to tighten that up. He figures if they put… They could put one (1) car on it, but he thinks it kind of defeats the purpose of what he's trying to accomplish.

Steve Watripont said Brian did it. He has to give him credit when he does something good.

Board Member Sophiea said he's ok with it as written. It is pretty specific.

Steve Watripont explained if they had a business and they only did work at home bookkeeping wise or whatever and nothing was brought there, that is an allowed use under the ordinance. The fact is that he's got the car there now and he also needs the state approval, which the city has to sign off on, for that business. The restrictions are there. It makes them be able to sign off as well as puts it on for enforcement.

Board Member Sophiea said it's really no different. He has an office and takes his work home.

APPROVED

He has a bedroom set up as an office. There's no clients there; just administrative stuff. That's a good, Mr. Watripont. He would like to make a motion.

Board Member Green thinks there is a difference in the sense that the ordinance is pretty clear. Operating a business from a residence is not a permitted use in an R-1-C and he thinks the definition is different than him or him in his mind working at home as opposed to actually running a business out of there. The fact that it's a rental and the fact that it could sell could mean someone would be aware of the fat that they can run a used car thing out of there. Not used car, driving school thing out of there. He's uncomfortable allowing people to run businesses out of there residence. He'll be a no vote.

Chairman Nestorowicz asked for any other comments from the board.

Board Member Lindsey was going to make a motion but thinks Mr. Sophiea was going to so please do.

Motion:
Board Member Sophiea made a motion to grant permission to operate a private business office within the home exclusively for the administrative and record-keeping purposes of a driving school, with no employees or clients visiting the property. USE

Reasons being: Not being a detriment to the area.

Board Member Lindsey supported the motion.

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

Board Member Watts asked if he can ask a question on the motion. Where do they go with enforcement on here? He adds a car or students start coming to the location. How do they deal with the enforcement?

Steve Watripont explained it would be a violation of the ordinance granted and they would do it as they do other enforcements. If he adds a car. He doesn't know if he's married or multiple people live there. If there are two (2) vehicles there, that would not vilate it. If there were two (2) vehicles and they had the signs on it and advertising there, obviously he can't advertise there either. There's certain restrictions with that as well.

Board Member Watts just wanted to be sure. Thank you.

Chairman Nestorowicz said roll call.

Roll Call:
A roll call was taken on the motion. The motion failed (4 – 4).

Board Member Sophiea	Yes, for the reasons stated in the motion.
Board Member Lindsey	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.

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Board Member Assessor	Yes, for the reasons stated in the motion.
Board Member Watts	No, he thinks they're on a wrong path.
Board Member Green	No, it can be used as zoned.
Secretary Jerzy	No, it can be used as zoned.
Chairman Nestorowicz	Doesn't like have businesses in residential neighborhoods so he's going to vote no also.

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

14. PUBLIC HEARING: **APPLICANT: Vojislav Bojicic**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 14235 Eleven Mile
LEGAL DESCRIPTION: 13-13-379-009
ZONE: R-1-C

VARIANCES REQUESTED: Permission to
Conduct a Serbian festival on Saturday, June 20, 2026 from noon to 10:00 p.m.
ORDINANCES and REQUIREMENTS:
Section 4.35 – Circuses, Fairs, Carnivals and Similar Uses. Permit Circuses, Fairs, Carnivals and Similar Uses In Any District After Approval by the Board Of Appeals Under the Following Conditions:
(1) When engaged in by schools, churches, fraternal societies and similar non-profit organizations as an accessory use for the sole purpose of raising more for the financial support of such institutions in pursuit of their natural functions; provided, that such uses are confined to the land and buildings normally used and occupied by such institutions.
(2) A permit is obtained from the City of Warren Police Department.
(3) Such use and occupancy is not disturbing to the public peace and tranquility.
(4) Such use and occupancy will not create undue traffic hazard and congestion.
(5) Permits for such uses shall be valid for a total of sixteen (16) consecutive or nonconsecutive days; however, the permit expires thirty (30) days from the date of issue.

This item was removed during the adoption of the agenda.

15. PUBLIC HEARING: **APPLICANT: HD Development of Maryland Inc**
REPRESENTATIVE: George Ostrowski
COMMON DESCRIPTION: 25879 Hoover
LEGAL DESCRIPTION: 13-22-432-016
ZONE: MZ, C-2, C-1, P

VARIANCES REQUESTED: Permission to
Operate seasonal outdoor sales in the following areas:
1) Area #2 of the approved site plan measuring 40' x 130' (5,200 square ft.) from 5/1/2026 to 8/31/2026.
2) Area #3 of the approved site plan measuring 20' x 125' (2,500 square ft.) from 5/1/2026 to 12/31/2026.

Total of 7,700 square ft. of seasonal outdoor sales per the plan.
ORDINANCES and REQUIREMENTS:
Section 4.52 – Standards For Temporary Outdoor Retail Sales Approval: (d) No sales

APPROVED

activity or display of merchandise shall be permitted in the area designed for required off-street parking for the existing or temporary use.
Section 4.53 – Regulations For All Outdoor Retail Sales: (f) The period of operation of the proposed use shall be limited to dates specified on the approved plan or in the permit. The duration of all temporary uses shall not exceed thirty (30) consecutive days in any calendar year.

George Ostowski appeared before the board stating he's the landscape architect, 4677 Woodward Ave. With him also is Mr. Dennis Sander's, the Home Depot store manager who is available for questions should anything come up. The application pretty much states, he knows there's been some on going approval process with Home Depot requesting outdoor sales areas on site as a function of todays large retailers. This store, as old as it is, he believes the first outdoor sales dates back to 2009 and subsequently is coming back to reup those uses seasonally every year. The seasonal consumer demand for plant, landscape materials, in the spring and fall. These demands exceed the stores capacity to house these goods, both the plant materials and then the larger landscape materials like mulch, soil, and concrete and the like. Very specifically, the request sets a time frame in which the goods would be stored outside. He thinks item number 2 or area 2 is an area that is off in the parking lot. The other area, area 3, is up close to the existing garden center. That would be primarily used for outdoor plants. With that, he would be happy to answer any questions. He wants to add quickly. On behalf of the Planning Department, they just as a matter of fact submitted a revised site plan. He knows the plan that's in front of this board is done so long ago that Planning Department requested they submit a current site plan, which identifies the additional potential areas that the store would be looking for to store in the future. If the Planning Commission approves that, there is a potential they could be back before this body for a similar use permit. Again, that hasn't… they just submitted their plans yesterday. It has to go through the whole Planning process.

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

No response.

Chairman Nestorowicz closed the public portion and asked if Mr. Jerzy wanted to read the impact statement from Planning.

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

> "After review of the request, no issues were found to impact the abutting, local or general public. The variance request matched areas #2 and #3 of the approved site plan that the petitioner received for a minor amendment to the site plan for permanent outdoor sales are to Home Depot on February 25, 2019."

Chairman Nestorowicz turned it over to the board.

Board Member Green has a couple questions. If they look at the last minutes from the last go around with Home Depot. There was 1, 2, 3 and 4. At the end of the day nothing happened. His question is what he would ask Mr. Watripont about. He doesn't need him, he's asking about the minutes from last year. They didn't have the ability to enforce because nothing got done. They're back up here today and his first question was he wants this to be temporary, not permanent. He

APPROVED

would like that whoever makes the motion that be the condition, that's his opinion. Secondly, with all due respect, they knew they were going to be here today and they applied for a new site plan yesterday.

George Ostrowski understands. The season currently is a huge economic driver for Home Depot. There's actually starting in the beginning of April, but to not allow outdoor sales now, their Planning Commission date isn't set until July 13th. Assuming they're two (2) or three (3) months from that. The money that is lost in that window because they can't store outside is the primary driver. They discussed this with Planning staff prior to submitting this application. They just want to be transparent with the board that they are submitting the site plan revision. It very well could happen the plan gets approved and they don't decide to act on it until the following year. That's not his decision, that's their corporate decision.

Board Member Green said again, for them, for him, that puts them in a situation again where they have no enforcement options. Does he understand?

Steve Watripont understands him completely. He's going to try to clear it up for everyone. What they're coming for today is what they had site plan approval for in 2019 for the seasonal temporary sales in those two (2) locations. They go beyond that enforcement can happen. He's talked to the manager who is here and he's well aware of it. He's actually done a great job and cleaned up a lot of the stuff that was there when they first sent a notice to re-enforce it after the board denied it last time. He is working on that. He's relatively new there. He wants to work with them. That's why they're going through a new site plan, because they would like to have some storage in the back. Some racks back there and stuff like that. if they do, they will have to come back in front of the board. This is only for the temporary storage in the two (2) locations that basically have been there before they expanded and created a lot of that they have seen in the last couple years.

Board Member Green said his concern would be that they went four (4) rescheduling's last year and in his brain he would've applied for a site plan way previous to this because it would then when this new site plan is approved they're going to come back for more outside sale area.

Steve Watripont said possibly.

Board Member Green said that's what it seems like is going to happen. They've done this. He's a little big concerned.

Steve Watripont explained when it was denied last time, they started the enforcement and this gentleman cleaned everything up. He didn't think he could go back. That's probably why some of that was delayed. He met with him at the office shortly after. He told him he could go back for a site plan. He was denied for that, so it would have to change what the request was, but he can go back through the sit4e plan process. He knows he didn't want to do the permanent stuff so if he goes for the temporary, he can go for that now, too, based off the last site plan that was approved.

Board Member Green said that's him. He prefers temporary. In the back of the building, last year when it all stalled out with Home Depot. One of the concerns was there was storage containers back there behind the building. That was outside storage that wasn't approved. Are there still?

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Dennis Sander explained they had a storage container that they would keep grills in. They no longer have that, he turned that off. They're not getting those. He knows at one point, too, their break room got remodeled. That back area for two (2) weeks it was a storage trailer which, the people doing the work there were supposed to get a permit for. They did not know they didn't.

Board Member Green asked if it was that brown one.

Dennis Sander replied yes. That's gone. If he may, he's been with the company for thirty-one (31) years. Home Depot is a great company, they have a great partnership with the community. That's why he was brought to this store. He's been there a year. When he first got there, he saw the condition outside, what it looked like, everything. Working with the city, Steve and everybody, they did get it cleaned up and that was their goal going forward. What they're proposing, hopefully keeps it more clean and organized but realistic. He's at the peak of his season. The Memorial Day ad breaks tomorrow. He's in the thick of it. He cannot maintain what he has inside. Customers are getting upset like crazy because they cannot keep enough trucks because it turns and burns so quickly. It's a weather driven business. They've been getting rain and cold. They have eighty (80) degrees on Sunday, who knows what it's going to be like. The reality is the plants and stuff they sell, he has to have some sort of outside storage. No other company doesn't. Look at Lowe's, go drive them. Look at Menard's, Walmart, everybody. They're trying to do it. His commitment is they will continue to work with them, follow whatever is put in place,, keep it clean, keep it organized going forward. He wants to have a good partnership. There has been something in the past between Home Depot and this and he wants to fix it. That's what he's here for and he's done everything he can so far in one (1) year to try to fix that.

Board Member Green thanked him.

Board Member Lindsey totally gets it. He was here last year. They never really got to see the request. He's actually very happy that he's here, sir. They have something in front of them. He drives by this every day. He works down the street, a ways down, but drives past this Home Depot. It looks a lot better than it did a year. Thank you for that. He would definitely in favor getting something on the books that says this is what the plan is, they have to stick to it. If they have to come back, so be it, they'll hear that request, but at least this gives zoning something to follow. They have to have some sort of outdoor space, so he's definitely in favor of this request.

Secretary Jerzy has to say the same thing that Mr. Lindsey said. It's really cleaned up, especially on the east side of the building, which was an absolute disaster with multiple pallets and stuff. It was just a big eyesore. He thinks the sticking point last year was Home Depot did have that permanent language in there and that was the biggest sticking point with them making sure that the way it currently looked, which was a disaster, didn't permanently exist. This is one of the site plans, the newer site plan when he got on the board. As long as they can adhere to what they're saying in areas 2 and 3, he thinks that's a good thing. He knows a point of contention, too, was the residence behind them. When doing the site plan or doing the revision with Planning, just take into consideration the property owners to the west of them. He knows storing on that side of the building too, depending on what they're storing became a problem in the past. He can get behind this plan as long as it does say seasonal outdoor storage. They can put seasonal and not permanent going into the motion to satisfy. It does have dates. He thinks this is a very good plan and thanked him for cleaning up the debacle that it was. He yields the floor to that.

APPROVED

Board Member Sophiea agrees with Mr. Jerzy. He thinks this is a very nice site plan. The only thing he sees missing, maybe they don't have this, he hasn't been to his Home Depot this season yet. Aren't there usually plants and hanging baskets and lawnmowers by the entrance?

Dennis Sanders said right now they don't have any of that. That is part of the site plan maybe in the future. They've cut back. They stopped carrying fence panels, stopped carrying tractors, there's a lot of things. They don't carry arborvitaes. It's hurt them quite a bit, he's not going to lie. Customers also going to other locations. But to be within ordinance where they're supposed to be, they had to cut back. They don't have lumber outside, no concrete. They do have some mulch and soil out there right now. He saw probably two (2) trucks loads a day and two (2) truck loads of mulch. It has to rotate in and it's all been rotating. None of it is sitting out there for more than (inaudible) at a time. They're taking it all into consideration. His goal is to keep (inaudible) stored outside all year round (inaudible) Fourth of July is his goal. He knows they asked for a little bit more, but that's why (inaudible).

Board Member Sophiea thanked him for clarifying.

Board Member Watts knows that store is a small store. As much as he's trying to do there, it kind of over powers everything he's had on the lot. He's seen all of that. He knows the size of the property. Is there any thought that they could build another building in that out lot back towards.

Dennis Sanders said it's over his head. It's been brought up a couple times and they have submitted that. There's been talk about a lot of things. It's an odd layout, that second lot. Very odd. He doesn't know what the thought process was along time ago. He doesn't see it happening, truthfully, but that's beyond him.

Board Member Watts said it doesn't have anything to do with approval, he's just thinking out of the box. What he doesn't want to see is Home Depot had enough and they're moving. He doesn't want to see an empty building. He knows they support a lot of stuff. He hasn't been by there lately, but if these guys say that its been cleaned up, he's good with this.

Dennis Sanders said when he got to the store he didn't know the process. When to apply. There's other people working on permits. They've actually went through and worked with their regional team to setup calendars, times and when they need to do things. They're keeping track of all this so next year they know when to come up, when to apply, what to do. He thinks that's the biggest thing. Looking at the paperwork, they see all these different store managers over the last thirty (30) years. There's different names. They change, they rotate. He's not planning on going anywhere, but if he does the person that comes in next time will know what to do. That's a big part.

Board Member Watts said fair enough.

Chairman Nestorowicz asked for other questions or motions.

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

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Operate seasonal outdoor sales in the following areas:
1) Area #2 of the approved site plan measuring 40' x 130' (5,200 square ft.) from 5/1/2026 to 8/31/2026.
2) Area #3 of the approved site plan measuring 20' x 125' (2,500 square ft.) from 5/1/2026 to 12/31/2026.

Total of 7,700 square ft. of seasonal outdoor sales per the plan.

Reasons being: Doesn't see a problem; Not a detriment.

Secretary Jerzy supported the motion.

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

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

Board Member Watts	Yes, for the reasons stated.
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 Green	Yes.
Board Member Lindsey	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.

16. NEW BUSINESS

Chairman Nestorowicz said they do have three (3) things to discuss. First one is simple. Who is going to the appreciation dinner on Monday?

Secretary Jerzy will not be attending.

Board Member Assessor will be there.

Chairman Nestorowicz plans on being there, too. That was the easy one. Second, Mr. Green earlier tonight talked about them wanting to have a letter sent regarding the driveway expansions. He asked Jennifer to assist with the wording of that letter and then be able to review something at the next meeting on the 27th or so.

(Inaudible)

Chairman Nestorowicz is thinking what they want to do is state to the council this is a problem that they're seeing, it's not going to be going away, and get some direction.

Board Member Green said send it to Council to explain they've had many driveway complaints.

APPROVED

Steve told him he would get a number for them from last year.

Steve Watripont does not have that ready today.

Board Member Green said with the number that says how many they had. There's a couple ways to deal with problems like this. One of them is what happened today will keep on happening and then somebody is going to have to do something because it's already become a problem for the administration. That's one way to solve it is to send a letter, look at the ordinance to see if there's anything that needs to be changed. He's not sure that there's a lot of wiggle room on changing the ordinance, but that's just him. Ask why there are no permits for driveways and things like that they've discussed that they thought about. Hopefully, they will then send the letter over to Planning, he doesn't know if that's the procedure, It needs to be done before they get a lot of mad people at them for whatever reason, but it's become a problem.

Steve Watripont explained if there's an amendment to the ordinance it would have to go to Planning.

Board Member Green said whatever the process is. He thinks they need to be proactive and send the letter. Sooner than later.

Jennifer Pierce said in her opinion she thinks it should vote to send the letter with items she wants included. The Zoning Board of Appeals has seen x amount of petitions regarding this specific ordinance. Please direct whomever, Planning, to review it.

Board Member Sophiea asked for a moratorium.

Jennifer Pierce said direct Planning to review it and possibly require permits for the driveways too.

Board Member Green doesn't know that… When he says moratorium, they're doing enforcement right now. Lets talk this out so they can figure it out. They're doing enforcement right now and some people think, they all have different opinions on here based on what they see in the ordinance, so they're doing enforcement. These people that were here tonight, they're going to be tearing their driveways out?

Board Member Sophiea said that's what they voted on, yes.

Board Member Green said there's two (2) ways to get action. One is to make action happen by denying everybody who comes up here. They didn't create that. He heard the comment. They didn't create this. People paved their entire front yards. That created it and then neighbors turning on neighbors created the issue. He's just not sure what the moratorium thing.

Chairman Nestorowicz thinks the moratorium would be on the enforcement. He would hate to have somebody while this is going on being hit by a $1,000 fine.

Board Member Green said they've already done it though. This is what they're in, they've already done it. They got people spending thousands of dollars tearing driveways up. That's why they have to expedite kind of quick. He thinks the letter should say and he'll make a motion they send

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the letter to Council and then can have more discussion after the motion, but send the letter to Council explaining they've had many driveway complaints. Steve will give a number in the last year. Please look at the ordinance to see if there's anything that needs to be changed or anyways to help solve this problem. Possibly implement permits for the driveway portion to eliminate confusion. That seems to be a big part of it. People are confused when they get the one thing. Anybody else add to the letter, go ahead. If he thinks a moratorium is a good idea then add it to the letter.

Board Member Sophiea doesn't like requiring a permit for the driveway. That just makes it more complicated, burdensome and costly for the homeowner.

Chairman Nestorowicz said it's not very clear. What they're asking for a variance against is the yard use thing and if you read this, nor does it talk about a driveway in there.

Board Member Green asked the original ordinance. It's just confusing because it talks about ornamental and it's really kind of…

Board Member Watts have mixed emotions about the permits. He just did his roof and got a permit for the roof. The only inspection he did was he came out and walked around. He did give it a good look and that was the inspection. He played by the rules, did a shed years ago and played by the rules. Did siding, windows and all that stuff. He played by the rules on that. Here's the problem the one they turned down the last time. This is where the people are playing the games with everybody's mind. They go to the city say they're replacing their driveway and ask if they need a permit. They say they don't need a permit between the sidewalk and the house but need one for the approach or the sidewalk. They go and do it and widen their driveway and that's not replacing the driveway when widening it. That's not replacing it. They're adding to it. He thinks that's where the permit plays in. The guy that turned everybody in, he had a stop order who was told. He thinks she had a stop order too if he's not mistaken.

Steve Watripont is not sure.

Board Member Watts doesn't like the game these people are playing. Here's what else he doesn't like. Everybody is going to move into the neighborhood and see others have a nice extension on their driveway and think they'll do it but add another foot. His particular situation, he might add fifty (50) feet for his fifth wheel. People are going to continue to do this if there's no permit and no enforcement and it's obvious they have no enforcement in this city at all. All these driveways should have been caught if they had the enough inspectors.

Board Member Sophiea said at the same time the letter their pending to Council is find a solution or one size fits all rule.

Board Member Green doesn't think he said that.

Board Member Sophiea said Council has to vote on a rigid rule or ordinance.

Board Member Green asked what he thinks they should do.

Board Member Sophiea thinks this board should evaluate each one and determine if it's tastefully

APPROVED

done, oversized and part of it has to come out.

Board Member Green said that holds up the problem, so the new ordinance is tasteful.

Board Member Sophiea said no, he's saying that they have an ordinance now. Anytime somebody goes over and above the ordinance, the purpose of this board is they come to them and decide if it's justified or not.

Chairman Nestorowicz said the issues he has are the ones that are so old and put in eleven (11) years ago and stuff. Part of him would like to say certain ones past a certain time is grandfathered because its been in there. He knows one in his neighborhood that was out there forty (40) years ago. If you go tell that person they have to tear it out now.

Board Member Watts wants to give an example of something that is going on. They probably heard about this. On Hayes between Common and Fourteen Mile, as long as he has ever lived there, some people have graveled or cemented between the curb and the sidewalk and park their car there. He gets it. He hears those accidents on his street and it's not a pretty sound. Now with the population changing. People are moving in and now they got people parking their Jeeps on their front lawns, up by the porch, ruts in the front lawns, it's a mess on Hayes over there. Nobody has added any concrete. They no longer keep the gravel clean, it's just grass growing up through it and they're parking it. This is the problem they have when they let people do this kind of stuff. It's never been a problem in all the years he's lived here and in the last five (5) or six (6) years it started changing and it's a mess. The city is a mess. Him and Mr. Green and Mike go out a couple times together and he's been doing this when he was on Council. He' goes out and looks at all of this stuff. He sees all of this stuff going on. This is what causes a problem. They give a variance because it was ok but then the guy down the street sees it and does and his was not so tasteful. Guy put up a fence, he thought he was living in a pig farm. He couldn't do anything about it, there was no enforcement, because the ZBA passed it. Guess what, it made the neighborhood look horrible. Everybody was complaining.

Board Member Green thinks that one guy made a good point. The person that came up and said it's not 1955. He never thought about that and people had more cars now.

(Inaudible)

Board Member Green said he thought that was a good point. All the more reason for the ordinance to get looked at.

Steve Watripont said when he stared in the zoning division. They only allowed it the same as Engineering to the edge of the garage door. They've expanded that as a policy to go to the edge of the garage. They gave that extra room because of these cars being larger. Couple other things he wants to clarify. Grandfathering is not a clause used in zoning. It is nonconforming. No one would ever tell them they should be grandfathered in. He's heard that from many other ones out there. Grandfathering is not a term used by zoning inspectors. Permits. They have a fence permit that's $25 for 100 feet. It's their cheapest permit. It is basically a internal review to allow that. They do not do outside inspections. He thinks that would fall under something like that if they had a driveway permit. It would be an internal review and go that way. The cost is not up to them, it would be up to the Council.

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Board Member Green missed what he said.

Steve Watripont explained they have a fence permit right now. It's their cheapest permit. It is an internal review permit. So, they review it when it comes in. It's $25 for the first 100 feet. If they approve it, they have their permit, they put it up, nothing else. If there's a complaint on it, they go do an inspection on it like they do on any other complaints. They do not go do a physical inspection on that. So, if they did something like that with the driveway permit, interal review, it should be at minor cost because he heard cost up there. Just a nominal fee that it gets internally reviewed to meet whatever ordinance, if they change the ordinance going forward. That way it would require the permit and everything else. Administratively, they do do work on it. So, $25 or $50 fee whatever would be charged, but that would be for Council. That would be a way where there would be no scheduled inspection, but if they don't comply with what is drawn, it's in violation just like anything else that's out there.

Board Member Watts said he brought up a good point. When he was there and saw him when he got his permit. The lady in front of him was getting a permit for a fence. She was all about not putting the good side outside. So, if she gets a permit, there's no guarantee she'll do it right. There's no enforcement unless there's a complaint.

Steve Watripont said or someone drives by and sees it, inspector wise.

Board Member Watts said it's not their fault because somebody made the rule of no inspections. So now here they are. That's why they have all these fences that look how they are.

Steve Watripont said that ordinance went into place in 2013, before that it was legal to have it the other direction.

Board Member Green just wants to do what the board wants. If they don't want to send a letter.

(Inaudible)

Board Member Green can use the other technique and he's fine with using the technique of letting it fester to a boil and then something is going to have to happen. It's almost there. That one guy over there was not a happy camper.

Board Member Watts said his suggestion is if they don't want to do anything in haste, bring back the idea for the next meeting.

Board Member Green said the only problem is they'll be four (4) people here at the next meeting that they're going to… You know what he means?

Steve Watripont thinks the next meeting is a shorter meeting.

Jennifer Pierce apologized. All they're doing, no one is acting in haste. This is just getting the ball rolling. Send the letter. Start looking into this because it's a problem. The details can be worked out later. It's for Council to work out, for Planning to workout. They're the ones that have to vote on it.

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Steve Watripont said if the ordinance changes.

Jennifer Pierce said whatever he says. If they want to get the ball rolling, she thinks vote and send the letter. The details can be worked out later.

Board Member Green thinks the letter should be very simple.

Secretary Jerzy has something for them.

Board Member Green thinks it should say they have a problem. Look at the existing ordinance.

Secretary Jerzy has something written up and askes if they want to hear it.

Board Member Green says he guesses. He lost his motivation because…

Secretary Jerzy said this is what he came up with to send to Council. Send them a letter, Ms. Pierce stipulating review ordinance Section 4.06 regarding yard use to include review of the issue of driveways being poured without a permit and requiring a permit to pour a driveway. Making clear the restrictions about pouring into the front or side setbacks.

Board Member Watts said sounds good.

Board Member Green doesn't think it says what they want.

Secretary Jerzy asked what he wants to add to it.

Board Member Green wants them to know they've had in the last year they've had twenty-five (25) driveways come to them and it's something that needs to be looked at. That's pretty much it.

Secretary Jerzy said they've been kind of all over the map as granting them and not granting them even before they were on the board.

Board Member Green wasn't aware of that.

Board Member Assessor said the letter should state to look at it to see. Not specifically say they had fifty (50) over the last year, they've had many over the last year and they still have many to come. Please look at this. Maybe ask while they're looking at this, put a moratorium on these inspections or… If they ask for a moratorium ask for six (6) months until something comes about.

Board Member Lindsey said that would be for Council to decide.

Board Member Watts asked where they are on enforcement. He knows a lot of things have been turned down in the last year and he's going to start keeping a record. He doesn't see anything changing. Where are they? What are they doing? What's happening?

Steve Watripont said as far as enforcement, they got to go through the process. They do have

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an appeal process, everything else.

Board Member Watts asked who it appeals to.

Steve Watripont said circuit court. If it starts there it could stay the process. He believes they had one that did go through the appeal process with circuit court and was denied at that point. Then they started enforcement by issuing a ticket and giving them a ten (10) day notice again because that had passed to give them time to reach out to them and give them a time period. If they reach out to them and say they're going to change it and do something, but they need a month to do it. They do a letter of responsibility with a hard date. If it's not taken care of by that time, tickets are issued, they go to court. If they fail to do it by that time, a second ticket would be issued. They would continue the process. He has not gone to a misdemeanor yet on this but it is possible that it could climb all the way up to a misdemeanor.

Board Member Watts said these people tonight. They're not in fear of this immediate $1,000 a day.

Steve Watripont said no. That is their standard letter. For the most part people do come in and are worried about and come in and talk to them. The first ticket per offence would be $200. Second offence would be $400. Then the third offence would be $1,000 as far as their blight violations. Now, if they have multiple offences, it would be $200 per for the first one and so forth.

Board Member Watts said he's not heartless when it comes to these people. They have to understand that somebody created the problems. At some point they either stop it or let it run rampant. He appreciates him explaining that.

Secretary Jerzy said he added one little thing. He came up with to send to Council over a letter. He'll rewrite this with Ms. Pierce because his chicken scratch cant be read. Per the ZBA members, he would like to make a motion to cast a vote to send a letter to review ordinance Section 4.06 regarding yard use to include review of the issue of driveways being poured without a permit and requiring a permit to pour a driveway and making clear about the restrictions about pouring into the front or side setbacks. In addition, would respectfully appreciate any additional suggestions or recommendations Council may have.

(Inaudible)

Secretary Jerzy said that's his recommendation letter and he submits that to the board to vote on.

Motion:
Secretary Jerzy made a motion to send the previously read letter over to Council; Supported by Board Member Assessor.

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

Jennifer Pierce said before they make a motion to adjourn…

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Chairman Nestorowicz said they have one more item.

Board Member Watts said he has another item.

Jennifer Pierce said Nicole has three kittens back in the office if anyone is interested in the kitten.

(Inaudible)

Board Member Watts said wouldn't that be under announcements. They don't have announcements.

Chairman Nestorowicz said one other item they have for new business is last meeting they received the by laws about what they talked about for adjournment and postponement and stuff. Did anyone have a chance to review this?

Board Member Green thinks they need to look at this real close. What's the process here? When they read through this, they asked for reference to adjournment of scheduled hearings. What they got was two pages of ethics stuff that they didn't ask for. If they look at the ethics when they go home because they don't have time to do it, he finds 10.11 offensive. The ZBA and it's members shall not intrude into the management of the city planning and development services unit. Whatever that is. Members of the ZBA shall communicate with the city staff through the ZBA's designated staff liaison. Whoever that is. Unless otherwise authorized by the city administration and shall follow city policies. Where did that come from? Why would they… Keep in mind these are their rules that they make for themselves. They're going to neuter themselves by passing a bylaw that says.

Board Member Lindsey thinks that already exists.

Board Member Watts said they didn't ask for any of those.

Board Member Lindsey said the only stuff that's changed is the stuff in green.

Board Member Green said go to the book of bylaws buddy. All of this is different.

Jennifer Pierce said the only stuff that's changed is the stuff in green.

Board Member Green went to the bylaws online, this whole thing is different. No where in the bylaws online does it say the ZBA and its members shall not intrude into the manage of city planning. Or show it to him.

Jennifer Pierce explained there was a request from Council.

Board Member Green asked her to not scream at him. Point of order, excuse me, Mr. Chair. One time she stood up and screamed at him in the middle of the meeting. So please stop raising her voice at him. He's just trying to get this figured out.

Jennifer Pierce said her apologies. She was told that no one can hear her.

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Board Member Green said it would help if she stood up.

Jennifer Pierce explained this document was sent to Council at their request for things that are missing in rules of procedure and bylaws. Attorneys office reviewed every single commission. Ultimately, there is nothing in their rules of procedure dealing with conflicts of interest. These particular provisions were taken from a sample document drafted by Michigan State University.

Board Member Green said that's obvious.

Jennifer Pierce continued saying ultimately, this was requested by Council.

Board Member Green said whether Council requested it or not, he appreciates that designation though. He wants the board members to look at this, because these are not Council's rules, they're their rules. They're the rules that they live by. He's uncomfortable with 10.11. How about this one. 10.12 for example. Members shall conduct themselves in a fair and courteous manner. Ok, he agrees with that. To go on… They have to read it because he thinks they will think they're a little bit of a stretch. He thinks people should read it close and again it's their rules. Not City Council's or anybody else's. He's not looking for a pissing match with Jennifer. He's just trying to make sure that the documents that they do are finalized. He's not looking for a pissing match with David either. He just wants to make sure that everybody understands each other. He does not appreciate that she stood up in the middle of the meeting screaming at him. She's going to hear about it. He doesn't appreciate it.

Board Member Watts watched the Planning Commission meeting as he always does because there's a lot of things that goes on at that Planning Commission that is going to end up here. He always wants a clear picture of what's heading towards them. The other night there was on the agenda a letter to the ZBA about comments that were made at their previous meeting. He sat there and watched that meeting for three and a half hours. They received and filed it. He wants to know what that letter said that they sent to the board.

Chairman Nestorowicz asked if they know who or where that letter is. Any idea? Nicole did it come to their office.

(Inaudible)

Board Member Watts went back to watch their meeting to the part they originally said it was in regards to and he couldn't see anything in there that was a problem. Then all they did was receive and file a letter. He doesn't know what it says. They said they sent it to the board. He would like to know what they're accusing the board of.

Chairman Nestorowicz is wondering if they would have sent it to the Council office.

(Inaudible)

Chairman Nestorowicz has one question going back to this ordinance proposal. Under 7.8 where the petitioner is entitled to one adjournment for good cause shown. The petitioner can request one adjournment of a scheduled hearing. No more adjournments will be granted. In the case of use variances where they don't have a full board and they have the right to have a full board for

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their thing. Does this conflict with this?

Jennifer Pierce said the use variance… Everyone is entitled to have a full board. Forgive her because she's not going to remember the particular section of the bylaws, but that is one reason if the board fails to give the petitioner notice that they could adjourn it because they don't have a full board. That's one reason for reconsideration by this board. Is she making any sense? They don't have to let anyone have an adjournment. It's just one, allows the board to reconsider and undo what they did. Typically, the boards decisions are final when made. If they fail to give notice to someone that they didn't have a full board for a use variance is a reason to say its not final and they're going to redo this.

Chairman Nestorowicz thanked Jennifer.

Board Member Green said just as an example. This is why he thinks they need to look this over very closely people. 7.8, he thinks it should say for good cause shown, the petitioner may request one adjournment of a scheduled hearing. No more adjournments are granted. Period. No where in 7.8 does it say that they put it on the next agenda or do they remove it, do they have to re-apply. They just need to have this be a working document and kind of work through it and make sure it says what they want it to say. That was his only point. He wasn't trying to… The other stuff is new to them because it's not in their bylaws right now.

Chairman Nestorowicz asked if they want to take the time between now and… just review it again. For the next meeting.

(Inaudible)

Board Member Watts said do it right and make sure it's what they want.

Chairman Nestorowicz said that's all he had. Does anybody else have any other new business.

Jennifer Pierce said just one thing. There is part of those sections in the conflicts of interest that he thinks would be very beneficial directly related to a situation which many of them are aware that occurred that a ZBA member went out and identified themselves as members of the zoning staff. Identified themselves as people who didn't have authority to be there and do what they were doing.

Board Member Green wasn't aware of this. When was that?

Jennifer Pierce said they can talk after.

Board Member Green asked if it was their board.

Jennifer Pierce and Secretary Jerzy replied yes.

Board Member Green said interesting.

Jennifer Pierce said there was another instance a member of the Zoning Board of Appeals was sitting on the front porch with a petitioner and got into a pissing match with the neighborhood. A

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lot of these rules are necessary so they maintain appearance of propriety.

Board Member Green asked if she documented all this through investigation.

Jennifer Pierce said one hundred percent.

Board Member Green said really. Good to know. So, it's a secret to the rest of them.

Steve Watripont said she'll talk to him.

Jennifer Pierce said she'll talk to him after. Mr. Green it was before he joined the board.

Board Member Green is just curious. He's like what the heck. Garry you got to stop.

Steve Watripont asked that he request that the attorney send a copy of the draft as it's proposed to administration, his boss Everett and to Council office so they have a copy of it to review as well.

Jennifer Pierce asked rules of procedure. Yes. Again, she wants to make herself clear. This board asked her to do something. Council asked for a review of every single commission to see maybe what was missing and what could be updated.

Steve Watripont appreciates all that. He wants to look at it from the administration part if there's anything he can suggest or be aware of. That's all.

Jennifer Pierce said absolutely.

Board Member Green said they're their bylaws, not the administrations.

Steve Watripont said if there's something that conflicts with the ordinances, he wants to make them aware of it.

Board Member Green said in a bylaw? Really?

(Inaudible)

17. ADJOURNMENT

Motion:
Board Member Lindsey 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 9:59 p.m.

Paul Jerzy

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Secretary of the Board

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