WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
JULY 22, 2026

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, July 22, 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
William Clift, Vice-Chairman
Garry Watts, Asst. Secretary
Michael Assessor
Jon Green
Shaun Lindsey
Charles Perry
David Sophiea
Kayla Porvaznick

Members of the Board absent:
None

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 all members of the board were present.

4. ADOPTION OF THE AGENDA

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

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

5. APPROVAL OF THE MINUTES – Regular Meetings of May 13, 2026 and July 8, 2026.

Motion:
Secretary Jerzy made a motion to postpone the minutes of May 13, 2026 and July 8, 2026 to the August 12, 2026 meeting; Supported by Board Member Watts.

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

6. PUBLIC HEARING: **APPLICANT: GREGG & STACEY DECKER**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 5373 Martin
LEGAL DESCRIPTION: 13-17-255-007
ZONE: R-1-C

VARIANCES REQUESTED: Permission to
1) Construct a second detached accessory structure, a 10' x 12' – 120 square ft shed.
2) Retain a 16' diameter 201 square ft. gazebo.
3) Allow a 120 square ft. shed, 201 square ft. gazebo, 270 square ft. breezeway and a 399 square ft. detached garage for a total of 990 square ft. of accessory structure floor area.

ORDINANCES and REQUIREMENTS:
Section 4.20(A) – Detached Accessory Buildings: … The construction of all such accessory structures shall be subject to the following conditions:
3. That the accessory building be placed against any other accessory structure, such as a detached garage, that may exist in the yard. Only one (1) detached accessory structure shall be permitted in the yard.
5. That all accessory structures, excluding garages, will not exceed a total of 120 square 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) Accessory buildings or uses customarily incident to any of the above permitted uses, when located on the same or an adjoining lot and which do not involve any business, profession, trade or occupation. One (1) private garage for each residential lot in which there is housed not more than three (3) vehicles, not more than one (1) of which may be commercial vehicle, shall be considered a legal accessory use, provided, however, any such commercial vehicle shall not exceed one (1) ton capacity, and shall be kept housed within a garage when not in use; and provided, further, that no moving vans shall be housed in private garages. All garages and/or accessory buildings shall not contain more than seven hundred (700) square feet of floor area.

Stacey Decker, 5373 Martin, appeared before the board asking for the ten (10) by twelve (12) shed for storage for lawn equipment and gardening supplies.

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

No response.

APPROVED

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

Secretary Jerzy said at first glance he doesn't really have a problem with anything the petitioners asking for. The only concern he's got is the camper and boat in the backyard. He asked Mr. Schuman when this came up on the radar, was anything from the zoning perspective brought up from the two items in the rear yard. Were the applicants notified?

Brian Schuman said as of when he processed it, no.

Secretary Jerzy said the question is, if they approved this today what would be the zoning departments remedy as far as the camper and the boat.

Brian Schuman stated they do have the camper, but they said the boats not there. They would be allowed to store it in that location as long as the tires are on a hard surface.

Secretary Jerzy asked it would need to be on a slab.

Brian Schuman said cement blocks. Something so they can't sink into the ground.

Secretary Jerzy asked if it needs to be moved every three (3) days.

Brian Schuman answered no. They can store ten (10) feet behind the house, five (5) feet from any property lines.

Secretary Jerzy thanked him and yields the floor.

Board Member Green asked for clarification on the ordinance for the RV and the boat. He thought hard surface was defined in the ordinance, he doesn't remember.

Brian Schuman explained it does have to be on hard surface, but the tires have to be on hard surface. They can put paver blocks down for it to be on hard surface. As long as its stored ten (10) feet behind the dwelling and five (5) feet from the property line. They would still consider that hard surface.

Board Member Green said interesting. Are they on something right now?

Brian Schuman said they're on a three (3) inch board now. They would need to be on something hard surfaced.

Board Member Watts said that's confusing to him.

Board Member Green said in the passed they've talked about, this is outside of him, but he thought it was… That's new, different from what was presented before. Not from him, but he thought it was slab or hard surface.

Brian Schuman said hard surface is concrete or asphalt. Or concrete pavers.

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Board Member Green asked if it could be on a retaining wall block.

Brian Schuman said as long as it's a concrete block. Paver tile, as long as it's concrete.

Board Member Green said right now they're on a piece of wood.

Brian Schuman said that's what he indicated.

Board Member Green said he would ask whoever does the motion to put a condition on there that it happens.

Board Member Watts wants to take that a little further because he wants to clear his mind. As long as the RV is on pavers or slag or something like that. It doesn't have to be the size of the whole unit, it just have to be where the wheels are at.

Brian Schuman said so the wheels aren't sinking into the ground creating ruts.

Board Member Watts personally doesn't have a problem with this as long as they fulfill that obligation.

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

Motion:
Secretary Jerzy made a motion to grant the petitioner's request to:
1) Construct a second detached accessory structure, a 10' x 12' – 120 square ft shed.
2) Retain a 16' diameter 201 square ft. gazebo.
3) Allow a 120 square ft. shed, 201 square ft. gazebo, 270 square ft. breezeway and a 399 square ft. detached garage for a total of 990 square ft. of accessory structure floor area.

In addition, the camper/RV unit stored in the yard must comply to the hard surface requirement per the Zoning Department.

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 petitioner's request.

Board Member Green asked if it's appropriate to ask another question right now.

Secretary Jerzy suspended his motion for a moment.

Board Member Green asked if there's a number of vehicles they can store in the back? Just for clarification. He apologized and said he should've brought that up earlier.

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Brian Schuman said one (1) recreational vehicle. Licensed vehicle can also be stored there.

Board Member Green asked about the boat.

Brian Schuman said that would be another recreational vehicle. They said the boat is no longer there.

Board Member Green just wanted to make sure they were clear on that.

Brian Schuman said that aerial is from 2024.

Chairman Nestorowicz asked if they wanted to put a time limit to make sure the RV is on blocks.

(Inaudible)

Secretary Jerzy understands what he's saying. He reinstated his motion as previously read.

Chairman Nestorowicz repeated they have a motion by Mr. Jerzy. Asked Mr. Assessor if he's still supporting it.

Board Member Assessor answered yes.

Roll Call:
A roll call was taken on the motion. The motion carried (9 – 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, for the reasons stated in the motion.
Board Member Sophiea	Yes, for the reasons stated in the motion.
Board Member Lindsey	Yes, for the reasons stated in the motion.
Board Member Clift	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

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

7. PUBLIC HEARING: **APPLICANT: XY NGUYEN**
REPRESENTATIVE: Larry Carroll
COMMON DESCRIPTION: 4820 Nine Mile
LEGAL DESCRIPTION: 13-32-129-045
ZONE: MZ, C-1, R-1-C, R-3

VARIANCES REQUESTED: Permission to

APPROVED

ORDINANCES and REQUIREMENTS:
Section 4D.07 – Setback Required: Walls, fences and landscape screens shall conform to the setback requirements for the zoning district, unless otherwise provided in this article.
Section 4D.08 – Fences, Walls and Landscape Screens in Front Yard Between Building Line and Front Property Line: No fence, wall or landscape screen shall be constructed between the established building line and the front property line…
Section 13.04 – Front Yards For Commercial Buildings: A fifteen (15) foot front yard setback shall be provided by all commercial buildings in a C-1 district, measuring from the proposed right-of-way line established by the City's Master Thoroughfare Plan.

Larry Carroll, 23760 Bradner, appeared before the board stating he's a contractor. The customer hired them to help them get the variance for the fence. The reason for the fence, first off all it's a monastery. They've been broken into, held hostage, beat up, robbed. The area where they're putting the fence in there's a nice walkway with plants. Its like a park setting. They found people sleeping back there, but people that walk the trail back there have been robbed from people hiding back there. That's the only area that doesn't have a fence in the front. They're asking to match the fence on the east side with the fence on the west side. So, they can close it off. With the 7-11 next door he thinks that's part of the issue. People drinking back there. He knows he put six (6) foot fence on there, but the existing fence is five (5) foot four (4) will match the existing fence. Minus the points on it.

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

No response.

Chairman Nestorowicz closed the public portion and turned it over to the board for discussion. First there is an impact statement from Planning.

Secretary Jerzy said this is from Michelle Katopodes, Assistant Planning Director:

"After review of the request and further inspection of the site, the Planning staff provides the following comments:
The petitioner representing this property at the time received site plan approval with conditions for a new six-sided gazebo on March 26, 2018. Subsequently, that petitioner submitted a written letter to withdraw their site plan for the proposed gazebo and on June 20, 2020, the Planning Commission voted to accept the petitioner's request to withdraw and the project was closed.
However, upon review and inspection of the site in question, the following issues that were identified on this site by the Planning staff in 2018 are still issues that need to be addressed, along with new issues observed during the site visit:

1) All pavestone masonry pillars and pottery should be removed from the areawithin the sixty (60) ft. right-of-way line along Nine Mile Road and in front of the temple. The pavestone is also not permitted in the front 30 ft. setback of the property and the temple (per Section 5.11). The pavestone should be removed with all other items and restored to grass or the petitioner will need to obtain a variance to retain the existing work within the setback from the Board of Appeals.
2) In the location that had been proposed for the previously withdrawn gazebo, in the southern area of the property, a statue with a raised pedestal and six-sided foundational

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base has been constructed. The structure appears to be at least 13 to 15 ft. in height, from ground level of the foundation to the top of the statue. No building permits were attained for this construction.

3) An 8 ft. wide greenbelt or 6 ft. high brick embossed poured concrete wall would be required along the offset east and south property lines abutting the R-1-C, One Family Residential District.
4) Storage of items was observed along the brick wall to the southwest of the storage garage located in marked parking spaces and shall be removed. Open storage of materials is not permitted on the site.
5) Junk and other various items was observed to be stored in the area between the south side of the storage garage and the south property line. These items should be removed.
6) The two rows of existing parking spaces to the south of the main building were measured during the site inspection to be approximately 17 ft in length. The minimum length for 90° parking spaces is 20 feet, with a minimum adjacent 22 ft. maneuvering lane.
7) There is a row of existing 60° angled parking spaces abutting the curb of the concrete walkway along the west side of the main building. These spaces were measured at approximately 15 feet in length. The required length for 60° angled parking spaces that abut a continuous curb is 20 feet, with a minimum adjacent 20 ft. maneuvering lane.
8) There are two 90° accessible parking spaces located along the east side of the main building, abutting a continuous curb. These spaces were measured at approximately 15 feet in length. The minimum length for 90° parking spaces is 20 feet, with a minimum 22 ft. maneuvering lane. For all the parking areas that do not comply with the Zoning Ordinance requirements, the petitioner may need to reconfigure the parking layout and maneuvering lanes, or obtain variance approval.
9) A dumpster with insufficient screening is located along the south property line near the southwest corner of the storage garage. A trash enclosure should be provided, measuring a minimum 10 ft. x 1 O ft., shall be constructed of six (6) ft. high brick embossed poured concrete walls with 45° angle cap, have screened gates and be placed upon a minimum 10 ft. x 18 ft. concrete pad that provides an 8 ft. wide apron. Masonry block shall not be used as construction material.

Due to the above-mentioned issues, the Planning staff would recommend that this variance request be postponed and referred back to Zoning, so that Planning and Zoning can further review this site and meet with the Petitioner, to determine the best course of action to bring this site into compliance with the City."

Board Member Watts said after reading through the packet, doing a drive by, and then receiving this impact statement last night its very disturbing that this has been a problem since 2018. Here they are eight (8) years later and none of this has been taken care of at all. He's going to be a person to make a motion to deny when they're done with the discussion. He has a problem with this. Something that has gone this long, they haven't fixed the problems, they know it and then he reads in here that they're against killing the plants. Well, he drove by there, he thinks the place is in disrepair. It needs a lot of cleanup around there. He's sympathetic to the problem they're having with the crime over there and maybe they need a security team to try to help with the problem. He's not a fan of putting a fence that close to the roadway either. He'll let everybody else have their shot at it, but that's his feelings.

Board Member Green said to kind of put this into perspective, what's before them is the variance for the fence. It does not meet the criteria for fencing. It's a violation of the ordinance. He doesn't

think they need to postpone, he thinks like what Mr. Watts said, go ahead and vote to deny. The other problems are internal. He does often wonder when organizations put down they don't have any money because they're a non-profit organization. Non-profit is a tax status, has nothing to do with how much money they have. He thinks it's misleading to say they don't have money because it's non-profit. He did a little background and a little research. Did they make police reports on these hostage situations.

Larry Carroll is assuming yes, but he didn't get into that with them. The money for the fence…

Board Member Green said he's the guy that's here though.

Larry Carroll said well they can't speak English. The money for the fence is coming from the federal government; it's a grant. He met them through a friend of his that donates money to them. They operate through donations only. These other issues, were they notified about them? Have they gotten…

Board Member Green said his questions was specifically about that and he answered that for him and he appreciates that. This non-profit thing doesn't fly. Non-profit doesn't mean they don't make money, it means it's a tax status, so that's not going to fly. Outside of the issue of the variance, if these things are happening they need more than a fence. They need more than a fence. He thinks if they were serious about this their representative would be here.

Larry Carroll is the general contractor and is doing more work.

Board Member Green is surprised they're not here to defend their part of it.

Larry Carroll said they can't speak in English.

Board Member Green said they can always get someone to translate. He'll be a no vote on the fence.

Chairman Nestorowicz asked to share his comments first. A fence he normally doesn't have issues with. If the fence was around the side and the back. The fact that it's in front of the building, that's part of the fence he doesn't like. That area should not have fencing. He would actually say the impact statement was dated on the 20th, which was two (2) days ago. He doesn't know if the petitioner had a chance to see that or know that. He would entertain postponing this to a future date so that way they can address all of this with Planning, as opposed to just voting it down.

Secretary Jerzy said to the petitioner, the fence they want to install. He asked across the east and west.

Larry Carroll explained there's already a fence.

Secretary Jerzy asked against the 7-11, right.

Larry Carroll said there's a concrete fence along 7-11, it would just connect at that corner of the concrete fence all the way to the gate.

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Secretary Jerzy asked how much footage of fence he's going to be installing.

Larry Carroll said a total of 160 feet.

Secretary Jerzy repeated 160 feet. Of a five (5) foot four (4) inch fence. They see this time and time again. He feels for them because he's the contractor and stuck with hearing this board rant about property. He's just the middle guy.

Larry Carroll said he knows nothing about the violations.

Secretary Jerzy fully believes that. Here's the problem he has, Mr. Chair, with postponing it. Let people slide through like this that have had one chance after another. He understands the language barrier, but how much do they care about the property to have eight (8) or nine (9) different things going on for umpteen amount of time. Here's their chance to come address it and nobody shows. They send the fence guy. It's like a rental unit having the landlord send the renter to do his bidding. To him, that's a poor way to do business. He'll be honest, 160 feet of fence isn't going to help any kind of problem that's going on over there. They've installed fencing at other properties and the light of being a safety thing or security measure. Two (2) of the three (3) that have passed since being on this board, the gate is always open. What good is the fence going to do if it remains open? The other thing he would've liked to see, what kind of fence is it? It's a decorative fence. There's no design element of anything in the backup material about what this fence is going to look like. What's it composed of?

Larry Carroll explained it's supposed to match the existing fence.

Secretary Jerzy said based off of all the problems with the area, if they cared about their property they'd be here fighting for it. He's a no. He yields the floor.

Board Member Lindsey said he'll keep it short because he pretty much agrees with the sentiments the board has made. He kind of looks at this and there's a security problem. The petitioner has mentioned that the fence is going to match the existing yellow fence, five (5) feet tall. Anybody is going to hop over that anyway. He doesn't see this stopping a problem. He really doesn't see why there's any reason to grant the variance. It seems the property can be enjoyed within the ordinance. It's a detriment. He doesn't want to see businesses, whether they're monastery or commercial, putting fences along the road. It's why they have these ordinances. He just doesn't see this as being necessary. He thinks it's a detriment and the property can be used within the ordinance. He's going to be a not vote as well.

Board Member Watts wants to ask Mr. Schuman a question. He asked him to elaborate on the enforcements that haven't been done on the impact statement.

Brian Schuman said as of right now there was not an open enforcement until they received the Planning statement with the issues of it not matching previous site plan.

Board Member Watts said fair enough.

Larry Carroll asked if they've never been notified of these issues until now.

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Secretary Jerzy said a few days ago.

Board Member Green said it means that property owner or business owner or whatever, it's on them as the owner to understand what needs to be there and what doesn't need to be there. They're in a situation again where they just had another situation where there were sheds on the Ten Mile property. In hindsight, now that he looks at when he drives by it, there's a fence right on the sidewalk. It's frustrating because it's a big city and complaint based. It's even more frustrating to sit here to see a property owner not show up to ask for what he wants and see a property owner ignore the due diligence, which is a pretty basic thing. So, he'll be a no vote.

Larry Carroll thinks that's unfair. He doesn't have a license, he can't speak English. He told him to date the best he could but…

Board Member Watts said he can answer that question. The impact statement is pretty clear. It says they were advised of this in 2018. Now, if the city didn't follow up, they knew they had a problem then. He's kind of sympathetic that maybe they don't understand if they don't speak English, but then again, they need to be able to handle their business. That doesn't give them the right to do this kind of stuff, not have the permits, and create this problem. He understands he's stuck in the middle, he feels for them.

Larry Carroll said that's a huge list. He wishes somebody would've gave it to him, maybe he could've at least tried to communicate it with them. He's guessing the parking lot stuff, that's an existing building. He's assuming that's how that's been forever. Grandfathered in.

Board Member Watts said no. Generally, when they make updates in the past, they would have to bring that up to current code. You don't get grandfathered once you make updates. They were supposed to have done that. If there's nothing else, he'll make a motion.

Chairman Nestorowicz asked if there's any other questions first.

No response.

Motion:
Board Member Watts made a motion to deny permission to allow a 6' high decorative fence to within 17' sidewalk.

Reasons being: Unreasonable to ask what they're asking; Problem is self-imposed; Property is not unique; Putting a fence up like that is a detriment to the area.

Board Member Green supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Watts, support by Mr. Green to deny the petitioner's request for the reasons stated. A yes vote would be a yes to deny.

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

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

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

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

8. PUBLIC HEARING: **APPLICANT: REBECCA LANG**
REPRESENTATIVE: David Mikel
COMMON DESCRIPTION: 2209 Eight Mile
LEGAL DESCRIPTION: 13-31-355-038
ZONE: M-2

VARIANCES REQUESTED: Permission to

1) Allow a 78.125" x 46.3125" (25.13 square ft.) digital menu board with a 15.69" under clearance.
2) Allow a 28.75" x 46.3125" (9.25 square ft.) digital pre-sale board with a 15.69" under clearance.

These 2 variances are to replace items 5 and 6 of the variances granted on 5/28/2003.

ORDINANCES and REQUIREMENTS:

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

Section 4A.35(B) – Signs Permitted in Commercial Business and Industrial Districts (C-1, C-2, C-3, M-1 and M-2): One freestanding on-premise signs or advertising display…

David Mikel appeared before the board stating they're from SES Branding. They're located at 6001 Nimtz Parkway. He was hoping he could hand out some presentation materials if that's alright.

Chairman Nestorowicz said to hand it off to the corner and they'll pass it out.

(Inaudible)

David Mikel explained they handle the exterior branding and site visibility concerns for Popeyes. They are located at South Bend, Indiana.

Chairman Nestorowicz said he heard his name but didn't hear him give an address.

David Mikel repeated the address. He continued explaining that they travel the country to ensure Popeyes locations are visible, consistent and appropriate in the built environment. Like he previously stated 2209 East Eight Mile Road is the address on the northeast corner of Klein Street and East Eight Mile Road, zoned M-2. They're here today to essentially replace the existing drive-thru menu board and presale board. Those are manually changed out, they're not digital. They're requesting digital menu boards today. The slightly smaller square footage. He

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would like to take them to page 2 of the handout here. It's aerial of the site. As they can see there is some traffic patterns there specifically designed for drive-thru usage. It's a pretty small parcel for a restaurant but it works really well. The restaurant wants to remain up to date with the industry standards by updating their menu boards to the digital. This property, again, specifically designed for the drive-thru. The menu board is a component of that site design and necessary for customers to place their orders safely and efficiently. Unlike many commercial signs intended to attract off site attention, this menu board only service customers who have already entered the property and are committed to using the drive-thru. Because of this unique operational characteristic, replacing the menu board is fundamentally different from adding new adverting signage. He also wants to point out on the north and east edges of the parcel, there is about a six (6) foot tall brick wall aligning the parcel there. The menu boards are directly facing it. There's going to be no off site impact there. The illumination, there is not going to be an animation. The illumination is going to be within the code. He does want to say this is not a personal or economic reason for requesting this. Approving this request would not be a detriment to the nearby properties. The digital menu boards approve readability, reduce ordering errors, and help vehicles move through the drive-thru more efficiently, reducing unnecessary vehicle stacking. The updated digital display is functional modernization, not an attempt to increase profitability. The Burger Kind a couple parcels to the east, it's a little bit of a bigger parcel but they also have the updated menu board. He does believe this property is unique, very small, there's not much on site parking. It's a small building, a lot of drive-thru customers. With that that fence being there, the brick wall, it's perfectly setup for those menu boards there to have no off site impact. Strict compliance to the code would unreasonably impact the applicant from Popeyes updating the drive-thru equipment to current industry standards. That's already functioning as a drive-thru. The requested variance does not expand that use, it just allows Popeyes to update their equipment. They can go onto the next page. These are the menu boards that are existing. Employees have to personally go out there and change them out, going through the parking areas, drive ways. The digital menu boards, everything is instantaneous. Nobody has to go out and change anything. The updates are immediate and right there for every customer when they're pulling through. The next page, these are the updated menu boards, presale board is slightly larger in square footage. It's about two (2) square feet larger. The actual menu board is about three (3) or four (4) square feet smaller. The square footage is staying the same, the location is staying the same, just updating the technology there. He doesn't believe this is a self-imposed request. It's not self-created, just requesting to update the equipment. Not requesting any additional signage or commercial signage of that nature. Like he mentioned earlier, he feels it's a necessary change for Popeyes. There are other restaurants in the area that have those updated digital menu boards. That is why they're here today. He just wants to summarize a couple things. Not a request for additional signage, the proposed menu board is smaller than the existing, signs remaining in the same location, no increase to the intensity of the sites use, proposal modernizes the existing infrastructure using current technology, and this request satisfies each of the six (6) findings required for a non-use variance. For those reasons they respectfully request approval. If the board has any questions he's here to answer them.

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

No response.

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

to verify first. Looking at the measurements, so yeah, the menu board is actually a little smaller but the preorder is a little bit larger.

David Mikel said the total is going down about 1.2 square feet.

Chairman Nestorowicz wanted to make sure. Especially, whoever makes a motion that part of the motion… If they get these two (2) variances that would take the place of the previous sign variance from 2003. He's fine with that, right?

David Mikel said sure, yeah.

Secretary Jerzy doesn't have a problem. Very well presented. He doesn't have a problem with the sign package. Especially, with the layout and the way the complex is with the wall being pretty much all the way around it. He does have a question for Mr. Schuman.

David Mikel said there's one more there. There is a tree protecting the menu boards from off site from the front, too.

Secretary Jerzy said he has some green space. Good job. Looking through the packet, it says enforcement COC required on 7/24/2023. Looks like they were back out there on 6/25/2026. Is there a COC on this property?

Brian Schuman replied there is.

Secretary Jerzy asked what the complaint was from 6/25. He's never seen that written up like that. It's filed 4/26.

Brian Schuman said there was a new owner. The new owner did apply and completed a name change.

Secretary Jerzy thanked him. He just didn't see it on there. Just wanted to verify. If no one else has anything he's prepared to make a motion.

Board Member Green requested that Mr. Jerzy in his motion that all old signage be removed. His point is going to be this and to the board. He thinks they need to focus and do this on all the motions because they just did a rebranding on Twelve and Hoover and the poles themselves where the signs were, were left up. Now, they're zip tying signs to the empty poles. His point is, he thinks they need to be a little more conscious of putting specific conditions. Under new business he's going to bring up a couple other ones. He just wanted to make that point. Thank you.

Motion:

Secretary Jerzy made a motion to allow permission to:

1) Allow a 78.125" x 46.3125" (25.13 square ft.) digital menu board with a 15.69" under clearance.
2) Allow a 28.75" x 46.3125" (9.25 square ft.) digital pre-sale board with a 15.69" under clearance.

These 2 variances are to replace items 5 and 6 of the variances granted on 5/28/2003.

APPROVED

In addition, the petitioner shall remove all old signage, mounts, and hardware from the site once the new menu boards are installed.

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

Board Member Green supported the motion.

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

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

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

9. PUBLIC HEARING: **APPLICANT: WINE DEPOT PARTY SHOP**
REPRESENTATIVE: John Jonna
COMMON DESCRIPTION: 23550 Van Dyke
LEGAL DESCRIPTION: 13-27-304-001
ZONE: C-2

VARIANCES REQUESTED: Permission to
1) Install a 14.6 square ft. wall sign on the northwest elevation.
2) Install a 25 square ft. wall sign on the west elevation.
3) Retain a 13' x 44' (572 square ft.) mural wall sign on the north elevation.

611.60 square ft. of total wall signage. If approved the mural will be repainted and rooftop signage will be removed.

ORDINANCES and REQUIREMENTS:
Section 4A.35(c) – Signs Permitted in Commercial Business and Industrial Districts (C-1, C-2, C-3, M-1 and M-2): Total wall signage of a size no to exceed forty (40) square feet shall be allowed for each business in commercial business and industrial districts zoned C-1, C-2, C-3, M-1 and M-2.

John Jonna appeared before the board stating he's from Wine Depot, 23550 Van Dyke. He explained they're proposing to install general signage on the face of the building. Right now they don't have any. They used to have an awning wrapping around the corner. They only have the mural on the side wall, which does not help much, but they still need it. They need to have both of them if they could.

APPROVED

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.

Secretary Jerzy has one question. How long has the mural been up there?

John Jonna has been there forty (40) years and he thinks it's over that, maybe forty-five (45).

Secretary Jerzy said it's been a while. He asked that nobody has came to him to say anything about in thirty (30) or forty (40) years? Until he decided to get two (2) brand new signs?

John Jonna said no one said anything, but now with the sign ordinance it has to be only forty (40) or less square feet. They thought this would be a problem with the city. So, he's here today to see if they can keep them both. They have a rooftop sign that hasn't worked in a long time. They need to take it down of course.

Secretary Jerzy asked if he would be open to taking that down and have that included in the variance request as a condition.

John Jonna said they need to take it down. He needs to take it down before they do anything else.

Secretary Jerzy doesn't have a problem with this package as presented. As long as they make sure the mural. Hopefully, they're there another long time, another forty (40) years. He'd like it continually freshen up. He doesn't know, Mr. Chair or to the attorney, can they put that condition in the request?

Jennifer Pierce said absolutely. It was part of his request that if approved the mural will be (Inaudible) and the rooftop signage will be removed.

Secretary Jerzy asked for wording to be used for that. He's struggling.

Jennifer Pierce said to read it as written.

Secretary Jerzy said say it fades in twenty (20) years. That's what he's kind of getting at. So it doesn't get to a point where it's starting to flake or whatever. He knows if he's there he'll do the due diligence.

John Jonna said it's flaking now. They did it maybe ten (10) or twelve (12) years ago. It really needs it now.

Secretary Jerzy said it faces the north side so it takes a beating with the wind and stuff from the winter. That was his only concern. Just to keep it fresh and looking presentable for years to come. He yields the floor.

APPROVED

Jennifer Pierce supposes she can say to maintain it. It's hard to put a timeline on it.

Secretary Jerzy said as needed.

John Jonna said maybe as it starts flaking again, after they do it.

Board Member Clift is familiar with this location. He knows that in his time in the city at least twice it's been refreshed, maybe three (3). He's having a hard time remembering. On the face it appears that the petitioner regularly updates that mural as needed. He personally doesn't see a need to bring a context into the motion to assure that he's already demonstrated as a forty (40) year business in their community that he kind of takes care of his mural signage just without anybody telling him to do so. He doesn't see a need to put that footnote into the motion. Petitioner has more than demonstrated enough times that he keeps that thing fresh when he needs it. He yields the floor.

Board Member Green said clarification on the wine. They're keeping the Wine Depot party shop sign and adding those two (2) big words liquor and lotto on the side of the building?

John Jonna said on the face of the building actually.

Chairman Nestorowicz has a question. He has no issues with the mural, because the owner has done a good job with it. What he worries about is mural that says Wine Depot Party Shop and then in small writing on the side it mentions the liquor, beer and all that stuff. The concern he has is what can they put in there so that way if the business is sold that somebody that doesn't follow through and has the whole thing say beer, liquor, wine as opposed to the name of the business and what they currently have. He always worries that if they approve the mural of this size, if the business is sold it stays with the business and the next business isn't going to have the name and just say beer, wine and liquor.

Board Member Sophiea said just by glancing at it, it appears at least fifty (50) percent of it is just a decorative element in his mind. The images, white background, red stripe.

Chairman Nestorowicz said exactly. Can they put in the motion to limit it to decorative to a certain percentage.

John Jonna doesn't get what he's alluding to.

Chairman Nestorowicz explained the concern they sometimes always have is that when they approve something for you, then you sell the business to somebody else, they just have the square footage of the mural, what if the next owner decides to get rid of the name of the shop and just write beer and liquor along the entire mural. By putting a condition what part is decorative so the name of the business, images, but only be able to have the writing of beer and liquor on it to a certain percentage.

John Jonna asked if he would have a record of this. Maybe in two (2) years somebody decides to change it how he's saying.

APPROVED

Chairman Nestorowicz explained that's why he wanted to put it into the motion. He's not worried about him because he's always had a nice mural. He thinks about when he might sell that business some day and wants to make sure whoever buys keeps it up.

Secretary Jerzy said to maintain the mural as depicted on the building currently. Any further or modifications will require zoning board approval.

Chairman Nestorowicz thinks that sounds fine.

Board Member Lindsey asked how they reflect what's depicted when looking back at the record. All they have is meeting minutes. How do they reflect what's on here today ten (10) years from now.

Secretary Jerzy asked if this will still be in the Epacket.

Board Member Lindsey isn't sure if that's part of the record. That's a question for the attorney. He would assume meeting minutes are on the record.

Jennifer Pierce said everything is in there. The petition, the results.

Board Member Lindsey said maybe that's the way to go then.

Board Member Green is over thinking this and beating it like a mule. The variance in front of them is square footage. Zip. That's what it is. They're asking for square footage. The next guy can paint up "Go to hell ZBA" on there as long as it meets the square footage. They beat this one up so bad. That's what he thinks. He thinks someone should make the motion for square footage. With that said, anybody else?

Motion:
Board Member Green made a motion to grant the petitioner's request to:
1) Install a 14.6 square ft. wall sign on the northwest elevation.
2) Install a 25 square ft. wall sign on the west elevation.
3) Retain a 13' x 44' (572 square ft.) mural wall sign on the north elevation.

611.60 square ft. of total wall signage. If approved the mural will be repainted and rooftop signage will be removed.

Reasons being: Not self-imposed.

Board Member Sophiea supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Green, 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 – 1).

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

APPROVED

Board Member Lindsey	Yes, for the reasons stated in the motion.
Board Member Clift	Finds the mural to be of a historical significance to the area there, it's been there for so long. 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	Yes, for the reasons stated in the motion.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	No, should have something in there about decorative versus not for future business in the city.

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

10. PUBLIC HEARING: **APPLICANT: SAMIER YALDO**
REPRESENTATIVE: Steve Dumont
COMMON DESCRIPTION: 22760 Dequindre
LEGAL DESCRIPTION: 13-31-103-028
ZONE: M-2

VARIANCES REQUESTED: Permission to
1) Allow a 20' maneuvering lane.
2) Allow parking spaces 20' in length.
3) Waive the required 8' wide greenbelt / 6' high wall.

ORDINANCES and REQUIREMENTS:
Section 4.32(i) – Off-street Parking Requirements: all spaces that abut a continuous curb required in accordance with Section 16.07 of this ordinance or a common property line shall be laid out in the following dimensions, including off-street maneuvering lanes: 90 degree parking / 9' width / 22' length / 22' maneuvering lane.
Section 2.26(a) – Greenbelt: An eight (8) foot greenbelt shall be a solid planting strip composed of evergreen trees spaced not more than twenty (20) feet apart and not less than one (1) row of evergreen shrubs, spaced not more than five (5) feet apart and which are at least five (5) feet or more in height after one (1) full growing season after planting, and which shall be planted and maintained in a healthy growing condition by either the occupant or owner of the property.
A decorative masonry wall, not more than six (6) feet in height and not less than eight (8) inches in thickness may be substituted for either of the above greenbelts, upon approval of the Planning Directory, and shall be maintained in an attractive condition and structurally sound.
Section 17.02(C) Greenbelt – Industrial Standards: M-2 zoning district requires 8' wide greenbelt along all zoning district boundary lines which border on a more restrictive zoning district. Along all street property line but may be omitted along the front yard when the front yard is landscaped.

Steve Dumont appeared before the board, 23617 John R Road. They're asking for a couple variances that the previous site plan that was approved for the site prior to Sam purchasing the building had parking at an angle to meet the requirements for the twenty-two (22) foot maneuvering lane and twenty-two (22) foot length parking. That created a dangerous situation because cars would have to literally back out onto Dequindre. He thought this was a much better solution. People can pull into those parking spots safely with the shorter spots and maneuvering lane and then exit facing the road. The eight (8) foot green belt at the back of the property, they

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have an emergency exit at the back of the building. To use that exit to get around the building, they can't justify having an eight (8) foot green belt there. It would block their exiting. The parcel behind them is being used for commercial use. There's a bunch of trailers back there. He doesn't know if they're landscaping or if they're actually using it for timber, wood or maybe they're carpenters. Really, it's just the safety of pulling in and out of their parcel is what they're worried about. Currently, there's parking in the front setback right-of-way, which they're going to landscape over since it's not allowed anymore. They're going to move the parking to rear lot and creates this situation because of the existing building and property lines. He'll take questions.

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

No response.

Chairman Nestorowicz said there's an impact statement to read from Planning.

Secretary Jerzy said per Michelle Katopodes, Assistant Planning Director:

"After review of the request, no issues were found to impact the abutting, local or general public. The petitioner received site plan approval with conditions for a tire service and minor auto repair facility on April 13, 2026. Although the adjacent property to the east is zoned R-1-C, One Family Residential, this property is used as a vehicle and small trailer storage yard on a gravel/grass surface. The petitioner's site plan indicates that the existing privacy/chain link fence will be relocated to the east property line. The plan also indicates a proposed six (6) ft. wide landscaped area containing new evergreens spaced 10 ft. on center (4 in total) along the east property line."

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

Board Member Green asked what is the business.

Steve Dumont said tire repair and small automotive maintenance. They're not doing major repairs, transmissions. Tune ups and quick stuff.

Board Member Watts has a couple questions. He thinks he's driven by this a couple of times. He's looking at the aerial view because he was concerned about something he said about the property to the rear. Looking at the front there, he's familiar with how those properties are on Dequindre. He has a lot of concerns with that no matter what size the parking spaces are. Then he's looking here at the properties. There's a vacant lot between two (2) buildings. Is that part of this property?

Steve Dumont replied no.

(Inaudible)

Steve Dumont explained they can't park in the right-of-way anymore. Is that property they're talking about?

APPROVED

Board Member Watts said property between the two (2) buildings is going to be turned into a parking lot.

Steve Dumont replied yes.

Board Member Watts said that makes more sense to him.

Steve Dumont said it's only forty (40) foot wide.

Board Member Watts said he'll be the bad guy here. He drives around the city and looks at all these auto repair places and tire stores and everything. They have literally hundreds of junk cars parked in these places. No plates, different states of repair. He's concerned it's going to turn into the same situation.

Steve Dumont feels the same way. His business is in Hazel Park so he drives by this a lot. Those are typically, a lot of collision shops that take a long time to repair. He's talked to some of the owners and he had a vehicle repair. It took nine (9) months to get the hood in. He's not justifying what they do, but…

Board Member Watts said that's not what's happening in Warren. He's had too many contacts in his years as Council and here where these places are a problem. He doesn't want it to turn into this. Somebody brings a car, he gets if it takes a week to get a water pump, but a car that has no plates, a fender falling off of it, that's not waiting for a water pump. That's junk storage and saving a car for parts. That's where he looks at these kind of things. He's not going to be in favor looking at this property of waving the green belt or the wall. That's where he's at and he'll listen to the rest of the comments. He yields.

Chairman Nestorowicz asked to say his comments first to Mr. Lindsey. Basically, he means, compared to how the property and such looks right now, developing that parking lot with that smaller green belt area with the evergreens on the backside, where the parking is actually. He just wants to make sure, but the rest of the land around the building, that's to him looks like existing grass. Is that going to stay grass?

Steve Dumont that's going to remain grass on the back of the building.

Chairman Nestorowicz likes the fact that the area along the street green again, taking that asphalt away and putting in grass. He thinks all properties look better in not having parking there, but having the greenery. That's just his comment.

Board Member Lindsey doesn't really have a problem with this. The only thing that he's not in favor would be similar to Mr. Watts would be not in favor of waving the green belt. He thinks they need more of that stuff and not less. Other than that, he's ok on the first two (2) items. He yields.

Steve Dumont explained the only green belt they're not putting in is behind the building. They're not screening from another residence, they're using it commercially. They've done as much as they can to still egress the building.

Board Member Lindsey understands.

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Board Member Sophiea reviewed the site plan. He thinks it's in good taste. He likes the idea of putting the parking lot along the side. This use that they're proposing to use the building for is permitted in the zoning district. He doesn't have a problem with the type of business that's going there, they're not asking for a use variance, it's allowed within the M-2 designation. He's not in a huge favor of waving the green belt but he understands the other option is to do nothing. Just leave the parking in the front and leave the lot vacant; he doesn't want to see that. He'd rather have this nice lot on the side dressed up with the front of the building with some grass, in exchange for waving the green belt. He will approve the site plan as is.

Board Member Clift is curious. In the explanation he talked about emergency egress from the building, will that door be where the concrete pad is.

Steve Dumont explained there's actually two (2). That building used to be… It's the two story side. There was an exit out of the side of the building and one out of the bay this way. The egress required for Building Department would be around the building and then out to get to safety.

Board Member Clift said clearing up those points on the building where those exits are kind of shifts his opinion on the green belt just a little bit. Why don't they just move the door here and just exit out of the parking. They're doing all this other stuff at the cost of a door to egress out. However, they're pointing out they have the required secondary egress back in there. They don't want to fight their way through bushes and trees or whatever if something goes stark sad. It's hard to tell from the pictures, is there a fence or a wall along this side of the building that would prevent people from egressing here and then being able to get clear?

Steve Dumont replied there's an entire fence along that property line.

Board Member Clift doesn't have a problem with how they have it presented. Thank you.

Secretary Jerzy asked the petitioner if he would be open to put a condition on the variances to the effect of no cars to be sold from the property or stored for car parts.

Steve Dumont replied yes.

Secretary Jerzy explained that way if somebody moves out somebody else can't move in and do the same thing with that big piece of property. If nobody else has anything else to say, he's prepared to make a motion.

No response.

Motion:
Secretary Jerzy made a motion to grant the petitioner's request to:
1) Allow a 20' maneuvering lane.
2) Allow parking spaces 20' in length.
3) Waive the required 8' wide greenbelt / 6' high wall.

No cars are to be sold from the property or stored for purging of car parts.

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

APPROVED

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 – 1).

Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member Assessor	Yes, for the reasons stated in the motion.
Board Member Green	Yes, for the reasons stated in the motion.
Board Member Watts	No, waving the green belt is a detriment.
Board Member Sophiea	Yes, for the reasons stated in the motion.
Board Member Lindsey	Yes, he's not going to hold this up.
Board Member Clift	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

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

11. PUBLIC HEARING: **APPLICANT: CYLEX PROPERTIES LLC -USE-**
REPRESENTATIVE: Obu Wenah
COMMON DESCRIPTION: 7244 Jackson Lowr
LEGAL DESCRIPTION: 13-33-478-004
ZONE: R-1-C

VARIANCES REQUESTED: Permission to -USE-
Allow 2 family dwelling in a R-1-C zoning district.
ORDINANCES and REQUIREMENTS:
Section 7.01 – Uses Permitted: 2 family dwelling is not a permitted use in R-1-C.

Obu Wenah appeared before the board from Cylex Properties, 7244 Jackson. He explained he's the current owner of the property, he acquired it back in August of 2021. He bought the property in its partially converted condition. The previous owner started the conversion with framing and all. He then bought it and completed, invested about one hundred thousand dollars in it. During the building stage the City of Warren Building Department provided both first and final inspections ensuring the build out was done perfectly. Its unique what they have today. Separate furnace, separate electrical, separate patios, separate entrances, separate basements. Requiring the property to be restored to a single family residence would result significant waste of existing improvements, construction materials and investments already made to the property. This variance request will allow the property to be utilized in a (inaudible) with the improvement while maintaining the residential character of the neighborhood. Granting this approval will also not negatively impact neighboring properties or public safety. The exterior will remain residential in character, consistent with surrounding homes. This request is fully based on the unique physical condition and existing improvements of the property, which were established prior to his purchase of it. The build out was also inspected by the Warren Building Department.

APPROVED

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

No response.

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

Board Member Watts has a couple of questions. When did he buy the property?

Obu Wenah repeated back in 2021 of August.

Board Member Watts couldn't understand very well and apologized. He said during this time he's been doing this work and put $100,000 into it and called for inspection. They turned it down?

Obu Wenah replied no. He explained they did the roof and the final. They (inaudible) the City of Warren throughout the build out process.

Board Member Watts has a question for Mr. Schuman. He asked how they got this far. With all this work being done.

Brian Schuman said as far as he sees, there was an enforcement started in 2025 that said it was a two family home.

Board Member Watts said that's what he sees.

Brian Schuman doesn't know if it was during some building permit inspections.

Board Member Watts asked if he knew when the original permits were pulled by chance for the building.

Brian Schuman said he can look them up.

Board Member Watts yields for right now.

Secretary Jerzy is looking at the backup material. They have city certification reports from 2015, 2013, 2014, 2010. From three (3) different inspectors from four (4) different reports, two (2) of them being head zoning inspector. All claiming that the second floor is there and this must convert back to a single family dwelling. Was he not aware of any of these reports when he did his homework? He's kind of curious who told him to go ahead and this was ok to turn this into a two family.

Obu Wenah wasn't aware of those earlier reports. He purchased it in 2021. At the time he was making the purchase, the previous said to him that he ran out of money and didn't want to continue with the build out and then he went ahead and purchased it and he continued the build out from there for about two (2) years.

Secretary Jerzy asked if he took the old land owners verbal commitment, what he was illegally doing to the property and just ran with it instead of consulting the city or anybody in zoning or

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building. If he's going to dump fifty (50) dollars into a property, he's going to check with the city to see what he's going to do as far as making an investment. To him, he doesn't think he did his homework. They got four (4) different reports, plain as day here, and if he did any kind homework on this he would've seen that. One of these would've popped up. To dump $100,000 into a property and no do any kind of follow up, just based off of what the guy living there was doing is neglectful in his opinion. Mr. Schuman, real quick, these city certification inspection reports…

Board Member Clift asked if Mr. Schuman can answer Garry's questions first.

Brian Schuman doesn't see any current building permits open. The last permits are on the lower unit from 2021; those were mechanical and electrical. He doesn't see anything for building as far as alterations. It received city certification in August 2021. Which means at that time it was in compliance as a single family dwelling. Otherwise it wouldn't have received it.

Board Member Watts said in regards to what Mr. Jerzy says, he's looking here at this inspection report on January of 2013. Illegal two family dwelling, must convert to one family dwelling and obtain appropriate permits, see attached. Then he sees the same thing, well it says separate entrance for upstairs noted in August of 2014. Thank you for looking that up. Now, he has a bigger problem because it appears to him that he spent a lot of money with no permits, no building permits. Just mechanical. He has a real problem here. He yields.

Board Member Lindsey is looking at this too, he doesn't understand how he investments so much money into a property and not knowing it's not zoned properly. Help him understand that.

Obu Wenah said that's a very fair question. Really, he'll say that's the first property he's acquired. It was a learning process for him. It was after the fact he didn't realize this was the situation. He remembers one of the Warren Department officials actually schooling him on it. Next time he has to come to the city to find out what the history is of the property, but it was a rookie mistake and he takes responsibility for it.

Board Member Lindsey said quite honestly, he's going to trust him that he doesn't know, because they see this happen a lot where people stand up there and kind of invest in properties using it as rental income. He's assuming this is an investment for him, trying to make a two family dwelling so he can rent them out, correct?

Obu Wenah said yes, in a way, but that wasn't his intent. Originally, he saw an investment property that he could acquire and really just looked at the numbers. It made sense at the time and went ahead with it. He had no idea of zoning and things like that. Like he said, it was his first one, so he just wasn't aware oft hose limitations.

Board Member Lindsey isn't here to judge his intention. He doesn't know how someone gets wrapped up in this. He can understand buying a house and might not know, but when you start building on that property you have to pull permits and usually during that permit process these things are told how to go. It creates a problem for the board because he's asking for a use variance. They take those very seriously and there's reasons why properties are zoned the way that they are and they have strict criteria that they need to assess when granting variances. He doesn't think that he's going to meet that criteria. There's nothing unique about this property, it's zoned R-1-C, there's nothing unique. There's no unreasonable impact that would cause him to

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have strict compliance with the property. It's certainly self-imposed, even if it's a mistake, it's still self-imposed. There's certainly going to be an economic portion tied into this. They cant feel sympathetic and vote for this just because he's invested money. That's a bad situation to be in. They all feel bad, but they can't use that as a reason to vote for this. Unfortunately, he doesn't know how the rest is going to vote but he's going to be a no vote. He's not in favor of dual family properties in an R-1-C, hardly ever. He doesn't see any specific circumstance outside of it being a mistake that he sees to have this in the city. He's very sorry.

Obu Wenah said that's fine but just to address something and point out. He mentioned the idea of maybe it was an economic reason why he made the purchase, but really looking at the way this property was built out, he had the option of just having one furnace, one electrical unit, but the way the previous owner already framed the place, it just made sense even to invest more and have it as two separate units. Then have two tenants possibly, own bills and all of that. they ended up investing a whole lot more with having to separate those things. Entirely new duct work in order to have (Inaudible). As a result of that, of course, like he said, he worked with the city to get all the initial permits and all of that. If in the course of that action that he had (inaudible) … to say he can't do this because it's not zoned right or anything of that nature he would've backed out at that point, to be honest.

Board Member Lindsey said to be fair, he might not be quoting him exactly, but he said that when he purchased the property he felt it was a good opportunity. That is an economic reason. Not something they can use as criteria to grant the variance unfortunately.

Obu Wenah said no what he meant was the purchase price at the time. Of course with the purchase, now he knows better in the real estate business, it's important to make sure the buy price is reasonable enough. That's the way they can significantly come out on top, right. So, yes, he found this wholesale deal at the time and the purchase price made sense, so that's why he went ahead with it. He didn't have the visibility into these nuances related to zoning and things like that. For the past three (3) to four (4) years the building has been built up.

(Inaudible)

Chairman Nestorowicz understands the passion, but he thinks he answered his question.

Board Member Lindsey said he stated his comments, he answered his questions, he wanted it to go back to the board.

Board Member Green said if there's no other comments he'll make a motion.

Board Member Clift is looking at this and he's seeing 2010 this problem was first recognized. That's twenty-six (26) years ago. Then it crept up on them twenty (20) more times up until about 2015 and then just fell off the radar. His disappointment is with whatever entity there is out there that was supposed to do the follow through for the insurance. He doesn't understand how they can get here twenty-six (26) years later to stop something that came to light in 2010. He doesn't understand that and it's a little frustrating. He's more than welcome to make a comment, sir, if he can give him a little light.

Brian Schuman explained the home was built in 1927, which would've been prior to the zoning

APPROVED

ordinances. It sounds like the home was built as a two family at one point. Existing as a non-conforming two family home. At some point it started being used a single family residence. At that point it would've lost it's non-conforming status.

Board Member Clift said these are the pieces he was hoping…

Brian Schuman continued saying at some point they did apply for a city certifications or rental inspections or any of that stuff at that point, where those inspection reports are from, they were notified. At the time, all it would've taken them, if there wasn't separate meters for gas and electrical and stuff like that, it would've been just removing a kitchen setup in the upper unit and it would've been a single family home and be put back into compliance. They passed their inspections, whose to say they're not going to put another kitchen in it and it becomes a two family home somewhere down the line.

Board Member Clift is glad he has the answers to that. That was very disturbing to him in the back of his mind. To the petitioner, he's a licensed real estate agent. How long?

Obu Wenah said he got his license three (3) years ago.

Board Member Clift yields the floor.

Board Member Watts wants to confirm with Mr. Schurman. He said there was no open building permits, correct?

Brian Schuman replied there is not any currently.

Board Member Watts asked if there was none.

Brian Schuman explained the last permits that appears to be ever pulled on the property was 2021.

Board Member Watts thanked him.

Chairman Nestorowicz asked for comments or discussion. Or Mr. Green wants to make a motion.

Motion:
Board Member Green made a motion to deny the petitioner's request to allow 2 family dwelling in a R-1-C zoning district.

Reasons being: It can be used as zoned; The property is not unique; It would be a detriment to the area; It would become a density issue; Not necessary.

Board Member Watts supported the motion.

Chairman Nestorowicz said they have a motion to deny by Mr. Green, support by Mr. Watts. Roll call. A yes vote is to deny.

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

Board Member Green	Yes, to deny.
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 Perry	Regrettably, yes to deny for the reasons stated in the motion.
Board Member Clift	Yes, to deny for the reasons stated in the motion.
Board Member Lindsey	Regrettably, yes to deny for the reasons stated in the motion.
Board Member Sophiea	Regrettably, yes to deny for the reasons stated in the motion.
Secretary Jerzy	Regrettably, yes to deny for the reasons stated in the Motion.
Chairman Nestorowicz	Yes, to deny for the reasons stated in the motion.

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

12. NEW BUSINESS

a. Discussion in re: ZBA Rules of Procedure

Chairman Nestorowicz asked if they have any issues they want to bring up.

Board Member Clift congratulated Mr. Assessor being appointed as a full time board member. Round of applause for their teammate. Kayla is appointed as an alternate. He wanted to recognize those folks in their new duty rolls. With that he'll yield the floor.

(Inaudible)

Chairman Nestorowicz said welcome to the board as a permanent member and as an alternate. She got her first experience as one of the meetings.

Secretary Jerzy said regarding the by laws he's open to discussion regarding a petitioner shall have 3 minutes to present any rebuttal, evidence raised by the board during discussion. He would like to hear what fellow board members would have to say on that. Article 7.6, hearing format. It's the last green line added there.

Chairman Nestorowicz likes including that because so often they have the petitioner gives their talk, they might have different comments from the public, and it allows them a chance to give one response of, and it's limited to how long they can talk during that response. He just worries when that part of the hearing is closed, unless there's a question that is directed towards them they can rebut anything that's said to them. That's the only reason he likes that, personally, but that's just his comment.

Board Member Watts doesn't know he agrees with giving them the chance. They had the chance to present their case. If there's any questions for them from the board they can answer those

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questions. He feels this is just giving them an opportunity to create, for lack of better terms, an argument session. Then they have to go back into it again. If they haven't proved their case then it's the way it goes. He's seen this too many times with other meetings other than theirs and if you give them too much time to talk, he's seen it happen at Planning meetings, and it just turns into a complaint session. He has a problem with that. He yields.

Board Member Lindsey would agree with that. The intention is they hear the petitioner's request and really the discussion should be amongst the board so they can share one another's comments. He thinks giving the petitioner rebuttal, to Mr. Watt's point, if they ask a question, they can answer, but to grant more time to respond after they already presented really interferes with the boards discussion. He thinks the intention of them being up there is to talk the matter out and vote on it; not get into a debate or discussion with the petitioner over the item. He wouldn't really be in favor of amending that rule there. He yields.

Secretary Jerzy echoes the same sentiments. He thinks 90% of this is going to go sideways. They might have .1%, if any, that's going to come up here and tell them they're doing a great job and thank you. It's just going to end up being a complaint session. If it gets too heated, how do they get them out of here after 3 minutes if they still are carrying on. They don't have any law enforcement here to remove people. Like Mr. Lindsey said, they had ample amount of time to prepare for this and if they come before the board and speak their peace. He thinks they're pretty lenient with bending the rules and asking. Like Mr. Lindsey said to the petitioner tonight, giving them half a second to speak their peace, even though he wasn't really allowed to. They do show some compassion in that way when certain things.

Board Member Lindsey said they took advantage a little bit of that, too.

Secretary Jerzy said exactly. That's just kind of a precursor of what's going to happen. They're going to carry on, carry on, and nothing is going to be wright. That's his 2 cents on it.

Board Member Clift is curious where that notion even came from. He's curious of the thought process of the individual. He's trying to get the spirit of the thing it's supposed to represent. Like a closing statement opportunity they'll have before the board conducts a vote or what. Like they've discussed here, he thinks there's enough back and forth to figure out and get the answers they need from people. He thinks they bend over backwards on a lot of cases trying to really work with folks when it comes to certain things. He was just curious where the 3 minute time frame on a rebuttal even came from.

Jennifer Pierce said it was all her. As an attorney, this comes from a standard of due process. An opportunity for everyone to be heard.

Board Member Clift asked if he's close saying it's a closing statement.

Jennifer Pierce said not necessarily. There's just been so many instances where the petitioner tries to say something about a comment that was made up here and sometimes they allow it and sometimes they say there wasn't a question so they can't respond. There's new issues that got brought up by the board. That was just her thinking. These are her rules, she can care less what they do.

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Board Member Clift appreciates what she's saying because he's going to say this, sometimes they cut people off right away and don't give them an opportunity when a question arises to discuss things and other times, they're inconsistent with that. They'll let people ramble on and go and sometimes it's like they didn't ask a question so please be quiet. Maybe, he's not going to speak for her, but he gets a sense that maybe that is where it was born from.

Jennifer Pierce said no, and again, it's just a more formal hearing than any of the other commissions. Zoning Board and Planning are more formal. She was talking to another colleague in the office and they were talking about this board in particular, no other commissions do it, they present their case, the board decides and that's it.

Board Member Clift was just curious where it came from or what the process was. She cleared it up for him and thanked her. He yields the floor.

(Inaudible)

Jennifer Pierce wanted to make a comment. Mr. Watripont couldn't be here tonight, but he did raise an issue with the 7.8 regarding the adjournment. She doesn't think it's this boards intent to deny an adjournments when they don't have a full board, correct? Ms. Burdi's been adjourned because they haven't had a full board. If that's not the intent then it needs to be reworded a little bit.

(Inaudible)

Jennifer Pierce said she's just going down the line, 7.9.

Board Member Sophiea said that makes good sense.

Board Member Clift asked to outline that specific instance where they don't have a full board to give a little more latitude to the petitioner requesting that adjournment.

Jennifer Pierce said if she recalls correctly, the intent in this is for people who have contacted Nicole and adjourned 5 times before they even came before the board. If she's understanding the intent correctly, she just needs to do some rewording of this to make it…

Chairman Nestorowicz always felt the petitioner keeps postponing because of their choice, he sees that different than them not having a full board and giving the opportunity to reschedule because those are only use variances that they normally do for because they need to have 6 yes votes. If they only have 8 people here or 7 people here they're at a bigger disadvantage, but if it's the petitioner that called and can't make it multiple times…

Secretary Jerzy said maybe they include that in the language. No adjournment…

Jennifer Pierce said without appearing before the board. One adjournment prior to scheduled hearing. Can request when it's done.

Secretary Jerzy can request a reschedule based on the attendance of the board or something of that nature.

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Chairman Nestorowicz said hopefully with alternates, they won't run into that issue.

Jennifer Pierce will reword this and email it out to everyone.

Secretary Jerzy thinks the petitioner having 3 minutes to rebuttal…

Jennifer Pierce agrees and can see where it can totally get out of control.

Board Member Clift said they would have to get a timer and everything.

Secretary Jerzy yields the floor.

Board Member Clift said on 7.8 his concern is more with… they've had several repeat no shows. They didn't call, they didn't contact anybody, they just weren't here.

Board Member Lindsey said that is how this came up is because they've been trying to figure out if they hear it without them present, move forward just because they're not here and it's on the agenda. This is kind of where that one came from. They want to be fair.

Board Member Clift said give them a freebie but if they do it again they can move forward.

Board Member Lindsey said next time now they know and there's been discussion. Should they still hear it because they're not here or what. Now they're saying they get 1 absence, next time they're hearing it no matter what because they have the packet. They're just not here.

Board Member Clift is behind that 100%.

Secretary Jerzy said Nicole can pass along, too, as they cancel. They had 1 and they have to be at the next one.

Board Member Lindsey remembers how this particular item coming up, They didn't know if they should be hearing the agenda item or not if the petitioner's not here. That's why they decided to do this.

(Inaudible)

Board Member Lindsey thinks that's where this all kind of came up. He asked if they should just strike that, it sounds like everybody is kind of in favor of not having it.

Board Member Clift said if somebody is not in favor of having it, talk to the board and tell them.

Board Member Sophiea doesn't have any other comments.

Board Member Green wanted to point out the Zoning Board of Appeals Rules of Procedures that the city attorney gave them. He wants to bring focus on 9.7, Robert's Rule of Order. He thinks they could be a little more effective as a board if they were a little more incompliance with Robert's Rule of Order as their guidelines, specifically, in the order that people speak. Who

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speaks first, who speaks last, people speaking twice before somebody has had a chance to speak. Robert's rule of order is clear on how procedurally meetings are run. He thinks they can be a little bit more effective and professional if they tend to familiarize themselves a little more with Robert's Rules of Order and go from there. That's just a comment he had.

Board Member Lindsey would agree.

Board Member Green has one more new business item.

Chairman Nestorowicz asked if they're done with this first. He knows there was a couple changes they talked about. If those get revised and emailed out they can vote on it next meeting.

Jennifer Pierce said she wanted to clarify they're going forward with the changes that Mr. Green requested.

(Inaudible)

Jennifer Pierce said there were some other ones, 10.4, 10.8, 10.11, 10.12.

(Inaudible)

Board Member Green said in the same mindset. They have tools available to them they don't think they're using. For example, and he's going to be very quick, brings up Thrifty Florist at Thirteen Mile and Ryan. So, the minutes from the last two (2) years they've done Thrifty Florist, at least two (2) years ago and the ones before, there was discussion about dumpsters still being out. It's still out. There's bricks piled up by the side door, there's still bricks piled up by the side door. The entire front of the building has outside sales, not 600 square feet. The parking lot has no striping, there's ADA parking area, it's just this whole list of things they talked about and it was their mistake for not specifically making them conditions as part of their motion that they made with the variances. He thinks they need to be a little bit more on tune with that and make sure they're doing that. The problem is, they have a tool. He's not going to do it today, but he thinks at Thirteen Mile and Ryan they're using more than the 600 square feet of outdoor sales, because the entire front of the building is. This is a bigger problem than just that. The tool is, they can make a motion to ask for a letter to be sent to the business owner, or the petitioner or whatever you want to refer to them as, for a hearing. In that hearing, they have to come before the board and demonstrate to them that they are in compliance with the variance they approved. If they're not, they have a right then as a board to take the variance away. He doesn't know the right word is; rescind the variance. So, he thinks they need to keep that in mind, but in this particular case it's kind of the boards fault, but they need to be more specific with the conditions so if they need to do that. They're always standing here blaming them for not enforcing it and what they are and are not doing, but they have a tool. He thinks the board should familiarize themselves with the tool and use it in situations where they've given specific conditions on variances. That's all. Thank you.

Board Member Watts would agree with Mr. Green because Twelve and Schoenherr is the same way. They specifically told them to clean that up. He doesn't know if Brian can add anything to that. They're dumpsters they were told, and they're not even in the closures.

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(Inaudible)

Board Member Watts said they need to put him on dumpster patrol. He's going to bring something up from the last meeting that he has a problem with. He's done a little research on this and he thinks it's a big problem. They had the vote on the Buddhist place on Ten Mile last meeting. They had a tie vote. Last time they had a tie vote that put the item into tabling or postponement. This time all of a sudden they get to make another motion, audit the plan and then put it back out for a vote. It can't be both ways. He thinks the thing should have been tabled and thinks they have a problem and needs to come back for a vote, the proper way. He thinks that was a huge mistake. He doesn't know legally where that puts them.

Jennifer Pierce is not sure what she's talking about.

Board Member Watts explained they had a tie vote. That would table it or postpone it until the next meeting.

Jennifer Pierce said not necessarily.

Board Member Watts said that's the way Robert's Rules of Order reads. And that's the way they've done it in the past.

Jennifer Pierce said all the tie votes they've had, if something didn't get the required five votes, it fails.

Board Member Watts said failed or postponed. Right?

Jennifer Pierce says it fails.

Board Member Watts asked why they went forward and get another motion.

Board Member Sophiea asked if that was at the last meeting.

Board Member Watts replied yes.

Board Member Sophiea doesn't recall.

Chairman Nestorowicz said there was a motion to deny tied because it was a 4-4. Then somebody made a motion to approve it.

Board Member Watts said after altering the plan.

Board Member Lindsey said somebody flipped.

Chairman Nestorowicz said it still stayed tied 4-4, basically approving it with 2 less dumpsters and stuff did not pass either. So both failed.

Board Member Watts said the point is the motion technically failed. Now what do they do the first time.

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Chairman Nestorowicz said if the motion fails, if somebody has a different motion they can make that.

Board Member Watts would disagree with that. He thinks that's a problem. If the motion is a tie vote, that means it's failed. You don't get to come back.

Jennifer Pierce said the tie has nothing to do with it. It didn't get the required five affirmative votes.

Board Member Watts said it failed. Period. End of story. Shouldn't have taken another vote. That's the point he's trying to make.

Board Member Green thinks this takes them… Remember, they had this discussion about the fine line between trying to negotiate.

Board Member Sophiea said negotiate amongst themselves with the petitioner.

Board Member Green said or help them out, whatever you want to say.

Board Member Watts said that's a problem.

Board Member Green said that's kind of where it came from.

Board Member Watts said that's been said before where they shouldn't do that. Then they went ahead and did it anyways.

Board Member Green said by making the motion.

Jennifer Pierce will look into that issue for them. At the top of her head, she can't answer it right now, confidently.

Board Member Watts said that's fair.

Chairman Nestorowicz said the second motion was not the same as the first motion, because the first one had four dumpsters and the second motion only had 2. Not dumpsters he means sheds.

Jennifer Pierce said she'll look into it.

Board Member Sophiea notified the board he'll be unavailable September 9th. He'll be out of the country.

(Laughter)

Board Member Lindsey said he'll need five yes votes for them to excuse him.

(Laughter)

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Board Member Sophiea is not sure what meeting they're going to do the officers at. That's usually at the end of September or end of August.

Chairman Nestorowicz asked if Nicole sent out applications.

Nicole Jones said not yet; she usually does that in August.

Chairman Nestorowicz knows he's up this year but didn't see it come by email.

Board Member Lindsey thinks a lot of them are up.

Chairman Nestorowicz asked for any other new business. They have some work for next meeting.

13. ADJOURNMENT

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

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

The meeting adjourned at 8:52 p.m.

Paul Jerzy
Secretary of the Board

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