WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
JULY 8, 2026

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, July 8, 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
David Sophiea

Members of the Board absent:
Charles Perry

Also present:
Jennifer Pierce, City Attorney
Steve Watripont, Zoning Inspector
Nicole Jones, Council Office

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

A roll call was taken and Board Member Perry was absent.

Motion:
Board Member Green made a motion to excuse Mr. Perry; Supported by Board Member Watts.

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

4. ADOPTION OF THE AGENDA

Chairman Nestorowicz said to Ms. Burdi before they proceed. So, they're down one (1) board member again.

Caren Burdi asked if she could move her item. She'd like to ask for August 12th because she's out of town July 22nd.

Chairman Nestorowicz said August 12th.

Caren Burdi thanked them.

Motion:
Board Member Green made a motion to move item 6 to the August 12, 2026 agenda and adopt the remaining agenda; Supported by Board Member Watts.

Voice Vote:
A voice vote was taken. The motion carried (7 – 1). Board Member Clift opposed.

5. APPROVAL OF THE MINUTES – Regular Meeting of April 22, 2026, May 13, 2026, June 10, 2026 and June 24, 2026.

Motion:
Secretary Jerzy made a motion to approve the minutes of April 22, 2026, June 10, 2026, and June 24, 2026 and postpone May 13, 2026 to July 22, 2026 meeting; 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, 4/22/2026, 5/13/2026, 5/27/2026, 6/10/2026 and 6/24/2026)

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
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

APPROVED

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 August 12, 2026 during the adoption of the agenda.

7. PUBLIC HEARING: **APPLICANT: AJ SIGNS & INSTALLATION**
(Rescheduled from 6/10/2026)

REPRESENTATIVE:	Grizel Nassar
COMMON DESCRIPTION:	22932 Groesbeck
LEGAL DESCRIPTION:	13-35-203-031
ZONE:	M-1

VARIANCES REQUESTED: Permission to

1) Allow the following on a 260' x 4' = 1,040 square ft. gas canopy (canopy A on sign plan):
   a. West elevation: Trimark logo 43.88" x 37" = 11.27 square ft. and "CITGO" logo 118.63" x 28" = 23.07 square ft.
   b. North elevation: "CITGO" logo 118.63 x 28" = 23.07 square ft.
   c. South elevation: "CITGO" logo 118.63 x 28" = 23.07 square ft.
2) Allow the following signage on a 200' x 4' = 800 square ft. of diesel canopy (canopy B on sign plan):

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a. West elevation: "DIESEL" logo 128.38" x 28" = 24.96 square ft.
b. North elevation: "DIESEL" logo 128.38" x 28" = 24.96 square ft.

Total signage on diesel canopy 49.92 square ft., remainder of 750.08 square ft. of decorative design.

3) Allow 1,840 linear feet of eyebrow downlighting between the two canopies.

ORDINANCES and REQUIREMENTS:

Section 4A.35 (C) – Sings Permitted In Commercial Business and Industrial Districts (C-1, C-2, C-3, M-1 and M-2): Total wall signage of a size not to exceed forty (40) square feet shall be allowed for each business in commercial business and industrial districts zoned C-1, C-2, C-3, M-1 and M-2.

Section 4A.14 (C) – Prohibited Signs: Exterior rope lighting visible from the public right-of-way except temporary lighting and government signs.

Chairman Nestorowicz asked the petitioner to start with their name and address for the record and then take the board through their presentation.

Grizel Nassar appeared before the board, 22932 Groesbeck. First she wanted to address that she came before the board on June 10th and they postponed it because they had a hearing on the 24th regarding a ticket they received. Now, the verdict of that was the ticket was dismissed in the matter of the 24th. She wanted to address that since that was part of the conditions on how they were proceeding today. So, she wanted to circle back from her previous presentation with them. She has three (3) variances that she would like to discuss with them. The first one is the eyebrow, or the light bar, that is on the actual canopy itself. Previously, when they had imaged this station back in 2021 they submitted their canopy layout to them. On this rendering it shows that there is lighting and LED eyebrow on there. The board approved it. When they had the image of the canopy they did have the lightbar on the canopy. When they resubmitted for the permitted of the Citgo image for this station they applied the lightbar on there as it was previously approved from the city when they had redesigned this gas station five (5) years prior to. The city came back to them saying that it wasn't allowed, but they had it on there previously. How it got passed this board she has no clue, but what she would like to do if they're not able to get all of the square footage, she would like to get granted what she had previously on the canopy. That would actually remove the lightbar from the back part of the canopy and let them have what they had previously on the Valero rendering that they had submitted to them in 2021. Just so they were under that it was approved and not that there was some type of prohibited prior to that. That is her first variance that she would like to discuss.

Chairman Nestorowiczs asked her to take them through all of them.

Grizel Nassar said her second variance is adding an additional diesel sign to the north elevation of the canopy. This would obviously direct the traffic that they have on southbound going down Groesbeck. This would obviously bring visibility, it also brings an easy flow within the parking lot. As they had their canopies previously, they could only see the Valero name and the diesel if they're on Groesbeck on one side. There is no north bound or southbound to identify which canopy is which because they have two (2) large canopies on this property. One is specifically diesel and one is specifically gas. This would obviously help with flow of traffic, congestion, confusion for all their customers that are coming in and out of the property. That's for the diesel sign. Also, her third variance is adding the Citgo on the north and south elevation of the gas station. Allowing visibility, again, just letting them know when coming down Groesbeck going up

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to get to Nine Mile, they can see that's the gas because there is no way from that end for them to even see what the diesel canopy is. It's just to smooth out the flow of traffic and everything else. Obviously, everything is visibility, safety, flow of traffic, congestion, all throughout the property and obviously making that corner looking safer than it is. Not that it's an unsafe area, but it's just extremely lit and she finds that customers are prone to go to a well lit gas station than unlit gas station.

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

No response.

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

Board Member Clift said to the petitioner, he wants to make sure he has this straight because he thinks she gave her request or explanations out of order in accordance with what they have on this sheet. This lighting issue she's talking about, is that actually number 3. To allow the 1,840 linear feet of eyebrow lighting between the canopies. She started off with that and moved to the other 2.

Grizel Nassar didn't realize they had changed the… yes, it would be item 3 that she was addressing first. Then the diesel was the second item, and then the last item she discussed was the first item they had on the agenda.

Board Member Clift thanked her.

Chairman Nestorowicz has a question. He knows that the 1,840 for eyebrow downlighting is a larger amount. What amount do they currently have on Valero? Is there some kind of lighting.

Grizel Nassar replied ther eis lighting on here, she doesn't have the actual square footage so she can't really give that to him. She does show that she would be removing it from the backside of the canopy completely. She knows she provided the board with a copy of the canopy rendering with the electrical. If they actually look at the document that she provided with them they can see where the lightbar stops. If looking at the Valero, gas canopy at the front of the store, it would just be the front and the sides would have a lightbar and what's facing the store doesn't have anything. When it comes to the diesel side, it would just be the main street and not on the backside that goes to the backrow. Currently, with the image, now she had stated this previously and why she is here today, she was put into a bind because they were using eight (8) different permitting company, hence where they see an email where they have a confirmation from the company that she was using previously saying this was all approved and that's not the case, that's why she's here in front of the board here today because she was misinformed by who she was using unfortunately. She's here today to try to rectify that and make everything correct with them and also make things right with the customers when it comes to that.

Chairman Nestorowicz thanked her. Asked for any other questions or discussion.

Secretary Jerzy said if nobody else has anything else to say regarding this item, he would like

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to make a motion.

Motion:
Secretary Jerzy made a motion to grant the petitioner's request to:

1) Allow the following on a 260' x 4' = 1,040 square ft. gas canopy (canopy A on sign plan):
   a. West elevation: Trimark logo 43.88" x 37" = 11.27 square ft. and "CITGO" logo 118.63" x 28" = 23.07 square ft.
   b. North elevation: "CITGO" logo 118.63 x 28" = 23.07 square ft.
   c. South elevation: "CITGO" logo 118.63 x 28" = 23.07 square ft.
2) Allow the following signage on a 200' x 4' = 800 square ft. of diesel canopy (canopy B on sign plan):
   a. West elevation: "DIESEL" logo 128.38" x 28" = 24.96 square ft.
   b. North elevation: "DIESEL" logo 128.38" x 28" = 24.96 square ft.

   Total signage on diesel canopy 49.92 square ft., remainder of 750.08 square ft. of decorative design.
3) Allow 1,840 linear feet of eyebrow downlighting between the two canopies.

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

Board Member Sophiea supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Jerzy, support by Mr. Sophiea to approve the petitioner's request as written.

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

Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member Sophiea	Yes, for the reasons stated in the motion.
Board Member Lindsey	Yes, for the reasons stated.
Board Member Green	Yes, for the reasons stated in the motion.
Board Member Watts	Abstained. He did not do his homework, did not review the meeting from the 10th, doesn't know the overall discussion and doesn't have the entire portion of the packet for him to review.

Board Member Green said point of order. He doesn't think they can abstain from a vote if they're present. They have the duty to vote.

Jennifer Pierce thinks he can abstain if he missed the first presentation, doesn't have the backup materials.

Grizel Nassar said they didn't actually discuss anything because she postponed it because of the hearing. Nothing was actually discussed.

Board Member Green said if that's her decision she'll go with that, but the point of order was if there's a controversial items, not that this is one in particular, but they could anytime they want

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abstain from the vote?

Chairman Nestorowicz said to his knowledge, he was always under the impression that people could abstain.

Board Member Green said ok if that's the answer to the point of order.

Board Member Assessor	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

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

Chairman Nestorowicz asked if Steve would like to add.

Steve Watripont said he would like to address the… he knows it's approved at 1,840 linear feet, but it's actually 460. It was multiplied by the four (4) foot height so it was square foot area. Lineal footage should only read 460 feet. It would be 260 around the one canopy and 200 around the second canopy of lineal eyebrow lighting. It lowers the number.

Chairman Nestorowicz thanked him.

Board Member Watts asked if the motion is going to state that so they don't wind up with a problem later.

Chairman Nestorowicz is been voted. It's going to stand as is.

8. PUBLIC HEARING: **APPLICANT: ELIZABETH KAULSKY**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 27855 Palomino
LEGAL DESCRIPTION: 13-14-328-024
ZONE: R-1-C

VARIANCES REQUESTED: Permission to
1) Construct a 12' x 12' (144 square ft.) gazebo.
2) Allow a total of 1,064 square ft. of accessory structure floor area (including the proposed 144 square ft. gazebo, a 624 square ft. garage, and a 296 square ft. sunroom.)

ORDINANCES and REQUIREMENTS:
Section 4.20 Paragraph (a) Item 5 – Detached Accessory Buildings: That all accessory structures, excluding garages, will not exceed a total of 120 square feet.
Section 5.01 (i) – Uses Permitted: … All garages and/or accessory buildings shall not contain more than seven hundred (700) square feet of floor area.

Elizabeth Kaulsky appeared before the board, 27855 Palomino.

Jamie McMullin appeared before the board, 27855 Palomino.

Elizabeth Kaulsky is requesting to install a twelve (12) by twelve (12) gazebo under the impression when she initially purchased the gazebo she knew there was a permit required. She did not realize

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that there was a 120 square foot variance for that. That's the first variance she's requesting is the twelve (12) by twelve (12) as opposed to the twelve (12) by ten (10). Secondly, is the additional square footage of surface in the backyard. Her request there is she didn't realize the garage and the sunroom were both included in that surface square footage. The garage itself takes up a large area of their backyard. They have no sun coverage back there and they currently have a patio that was there when the house was purchased. They would literally just be putting the gazebo overhead the current patio.

Jamie McMullin said it is also a current corner lot as well. Their backyard is a little bit bigger than most of their neighbors.

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

No response.

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

Board Member Sophiea reviewed the petition and drove by the property. It looks like it's well maintained. It's a nice corner lot and personally doesn't have a problem with the request tonight.

Chairman Nestorowicz thanked him. He knows when approved, is the patio they're placing on is all up to code for rat walls or any issues like that.

Jamie McMullin is under the impression that everything was done the correct way from the previous people.

Secretary Jerzy asked if it's going to be permanent and up all year or are they going to take it down.

Elizabeth Kaulsky said it will be up all year. It would have to be mounted.

Board Member Green is hearing no more discussion.

Motion:

Board Member Green made a motion to grant the petitioners request to:

1) Construct a 12' x 12' (144 square ft.) gazebo.
2) Allow a total of 1,064 square ft. of accessory structure floor area (including the proposed 144 square ft. gazebo, a 624 square ft. garage, and a 296 square ft. sunroom.)

Reasons being: Not a detriment; Necessary for the enjoyment of the property.

Board Member Watts supported the motion.

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

Roll Call:

APPROVED

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

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 Clift	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.
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.

9. PUBLIC HEARING: **APPLICANT: ST. ANNE ROMAN CATHOLIC CHURCH**
REPRESENTATIVE: Father Derick Peterman
COMMON DESCRIPTION: 32000 Mound
LEGAL DESCRIPTION: 13-04-151-001
ZONE: R-1-C

VARIANCES REQUESTED: Permission to
Conduct annual parish festival on the church property during the following:
1) September 25, 2026 (Friday) from 5:00 p.m. to 11:00 p.m.
2) September 26, 2026 (Saturday) from noon to 11:00 p.m.
3) September 27, 2026 (Sunday) from noon to 11:00 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 money 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.

Father Derick Peterman appeared before the board stating he's representing St. Anne Roman Catholic Church, 32000 Mound. The festival that they're requesting on Friday, Saturday and Sunday, the 25th, 26th and 27th at the listed times. Pending this request will proceed with the other requests for inspections that are necessary, but there are no major changes to the festival from previous years. They're requesting the variance to continue as they've been doing.

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

No response.

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Chairman Nestorowicz turned it over to the board. He just has one (1) question because he knows it's similar to all passed years, but it passed years they've always added the criteria that music be shut off by ten (10).

Father Derick Peterman said of course. One (1) hour prior to the listed closing time they have the music shut down.

Chairman Nestorowicz said that's the only question he has.

Board Member Sophiea said if there are no other comments he would like to make a motion. This is a great event for the community. He's always enjoyed going.

Motion:
Board Member Sophiea made a motion to grant the petitioner's request to:
Conduct annual parish festival on the church property during the following:
1) September 25, 2026 (Friday) from 5:00 p.m. to 11:00 p.m.
2) September 26, 2026 (Saturday) from noon to 11:00 p.m.
3) September 27, 2026 (Sunday) from noon to 11:00 p.m.
With the music being turned off one (1) hour prior to the close time.

Reasons being: Requires approval of this board.

Board Member Assessor supported the motion.

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

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

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

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

10. PUBLIC HEARING: **APPLICANT: VIETNAMESE BUDDHIST ASSOCIATION OF DETROIT**

REPRESENTATIVE:	Nevar Jahwary
COMMON DESCRIPTION:	2690 Ten Mile
LEGAL DESCRIPTION:	13-30-126-010
ZONE:	M-2

APPROVED

VARIANCES REQUESTED: Permission to

1) Retain 6 existing sheds in the west side 20' setback.
2) Retain the concrete and paver areas constructed to the front property line along Ten Mile Road.

ORDINANCES and REQUIREMENTS:

Section 5.11 – Churches, Schools, Libraries and Civic Clubs: Churches, synagogues, mosques, public schools, public libraries, private educational institutions, funeral homes, community buildings, country clubs, fraternal lodges or similar civic or social clubs shall be permitted with permission of the Planning Commission pursuant to the standards set forth in Section 22.14(b)(1) and upon compliance with the following minimum requirements:
(8) Every building shall have a front yard of not less than thirty (30) feet. If a circular drive is proposed in the front yard, a distance equal to the width of the drive shall be added to the front yard setback.
(9) Every building shall have two (2) side yards of not less than twenty (20) feet each.

Nevar Jahwary appeared before the board stating he's representing 2690 Ten Mile, Buddha Temple of Detroit.

Chairman Nestorowicz asked him to talk closer to the microphone.

Nevar Jahwary explained these are existing, what they're asking for approval for. Existing paved area on the front meditation garden, sculptures, located on the front yard. These features are not simply decorative, they are part of the worship and spiritual practices. They're also requesting approval for the existing storage sheds. The sheds are use solely to maintain the temple property and the grounds by storing landscaping equipment, maintenance tools, and supplies necessary for the upkeep of the facility.

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

No response.

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

Secretary Jerzy said they have an impact statement from Ron Wuerth of the Planning Department. Per Ron Wuerth: "After review of the request no issues were found to impact the local, abutting, or general public. The petitioner received site plan approval with conditions for two (2) building additions, outdoor deck, relocation of trash enclosure and façade improvements to existing Buddhist Temple on April 20, 2026.

Board Member Green said these sheds, and they said they store lawn equipment, what do they store specifically. They don't have to answer.

Nevar Jahwary replied supplies for the front yard and side yard. They have no room inside the temple to store.

Board Member Green doesn't see any grass though. He sees flowered areas. They've got six

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(6) sheds. Three (3) of them are plastic sheds and then there was a little garden in between and then the other two (2) look a little bit older on the south side.

Nevar Jahwary said they're all on the west side of the property.

Board Member Green said on the farthest ones down. They're not the plastic ones. What are those?

Nevar Jahwary thinks they're all plastic.

Board Member Green is question is then do they have a slab and a rat wall.

Nevar Jahwary replied yes. They were permitted and approved by the city. There was a permit that was pulled when two (2) of them were built.

Board Member Green didn't see that and asked if anybody else saw that.

Board Member Watts didn't see that either.

Board Member Green is going to need reassurance the there's, because they've been consistent with rat walls and slabs. Do they know when this particular…

Nevar Jahwary said to his knowledge the two (2) on the north side, they were permitted and approved.

Board Member Green said newer ones. He asked for someone to help him out here. He's guessing if they… he yields the floor.

Secretary Jerzy has a question for Steve. Even if they do approve this he'll have to go back out and make sure the rat walls are still up to code and all that.

Steve Watripont explained he was trying to see if they were permitted. If they aren't permitted, they will have to be permitted if approved. And if they're permitted already, then it shouldn't have been because it wasn't on the site plan. He doubts that they were permitted.

Secretary Jerzy asked if they do approve this…

Steve Watripont stated it will have to meet inspection and everything else.

Board Member Green asked if he could get the floor back now. The next question, what's the purpose of the six (6) sheds. Did the need grow and they just kept putting sheds up?

Nevar Jahwary believes four (4) were existent when the property was purchased and then two (2) were built. It could've not been permitted but there was some sort of documentation that existed that was submitted to the city.

Board Member Green thanked him and said those were his questions.

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Board Member Lindsey said he was just looking at the packet they have here and is seeing that the violations that have happened on this property over the years. He saw one (1) specifically with even for maintaining the accessory structures. They weren't in good repair and things like that. He looks at the stuff they're suppose dot be considering when making decisions on variances. When he looks at this request, he doesn't see that the request creates an unreasonable impact or burden for the applicant. He thinks compliance with the ordinance would be possible and to comply with the existing ordinance wouldn't prevent the applicant from using the property. This is certainly self-imposed. It's a request to retain stuff that's already out of ordinance. It's certainly self-imposed. There's nothing unique about this property. He drives by it all the time. It's clearly a detriment. He thinks that's proven by all the zoning inspections that have happened over the years and the violations that the property received. This is clearly a personal situation, has nothing to do with the property. It's not necessary; this property can be used as zoned. He's going to be a no vote. Looking at the requirements, he doesn't really see how they can approve this. He just wanted to state that to the board.

Board Member Watts is in agreement with everything Mr. Lindsey said. If there were permits on the sheds, they wouldn't be here for a variance. Six (6) sheds, to him, is off the chart. He's concerned about that. Secondly, he's concerned about how the concrete and paver area got there without a permit as well; that's in violation. Now they want to have a variance for six (6) sheds and the other because they didn't get a permit, which they would've gotten turned down and never would have done the work to begin with then. Then on 2018 there was a variance and 2013 there was a variance. His problem is, if they need more than a variance or two, it doesn't fit. They can't continue to get variances because eventually the whole thing is going to be out of control. That's what he sees happening here. Maybe they outgrew the property or something to that affect, he doesn't know. He has a problem with this whole thing. He thinks it's a detriment to the area and thinks the property can be used as zoned. It's something that is self-imposed so it's not necessary. He'll be a no vote as well.

Secretary Jerzy is guessing what flagged this is the addition to the building. As far as the sheds and pavers.

Nevar Jahwary said to his knowledge, yes.

Secretary Jerzy said his thought. Was there any thought given to, instead of having six (6) sheds, on some part of the property because he has a pretty good parcel there. Maybe in the back corner or something, building a 144 square foot garage or something that is going to house all this. It would be one (1) structure to house everything versus having six (6) sheds and add another one and another one. Get something that has so much square feet. He would've liked to see something like that on the site plan instead of trying to retain. If they're going to improve the site, in his opinion just go all the way. Instead of having six (6) sheds they could have a glorified garage. He's not an expert but he thinks it would be more aesthetically pleasing to the site as well. That is just his thought aloud. He doesn't know if any consideration was given to something like that or building a separate structure for all the equipment.

Nevar Jahwary said sure. They're also considered reducing it down to the newest two (2) that were built and remove the existing four (4). From six (6) to two (2). That's enough for storage.

Secretary Jerzy thinks that's his two cents. He thinks everything else is alright, but he doesn't

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really have a problem with the pavers and all that. Whatever happened, happened. They're here. He can appreciate wanting to scale that down and try to do something like that. He'll yield the floor.

Chairman Nestorowicz is wondering, and more of a question for the petitioner. It sounds like the existing six (6) sheds does not have the approval on here. They could table this if they wanted to go back and see about whether they want to change to request the two (2) or wanted to look into building something like a garage in the back.

Secretary Jerzy said it would require a whole new site plan and site plan approval and all that for them. (Inaudible) He can hear where he's coming from on all that.

Chairman Nestorowicz said they did comment they would be ok with just the two (2) newest ones.

Nevar Jahwary replied correct. They're existing and just remove the other four (4).

Chairman Nestorowicz would be fine with that.

(Inaudible)

Nevar Jahwary said yes.

Chairman Nestorowicz said yes because it's less than what it was posted.

Board Member Sophiea doesn't have a problem with that. Indicate on the site plan which two (2) they plan to keep.

Secretary Jerzy said he'd put the elements back on him. He probably knows which two (2) he wants to keep versus the board. He doesn't know which ones or exactly where on the site.

Board Member Lindsey hears what everybody is talking about on this. The issue he is going to have to vote consciously on that is that he doesn't have any information about these two (2) sheds. He doesn't know if they're within the ordinance. He feels they're in a position now where they're negotiating g a variance request to something that's outside of the ordinance already. He doesn't know how he can vote consciously on something that he doesn't have information to see what these sheds are, where they're located, what the square footage is. He doesn't have any information to approve two (2) sheds tonight.

Steve Watripont explained if they did reduce it he would like to know which ones on the site plan and he can indicate. That's what he came up for.

Chairman Nestorowicz asked the applicant if he would be able to.

Nevar Jahwary replied the two (2) that are farther north.

Secretary Jerzy said he can tell them the numbers of them actually.

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Steve Watripont said the two (2) larger ones.

Secretary Jerzy said shed 1 and 2 on the site plan.

Board Member Watts didn't think it was their duty to sit up here and negotiate what they get to change. They've said that before at the meetings. So he has a problem with that. Number two, if they're changing the site plan then they're changing what Planning approved. He thinks Planning should be taken care of that before they make any changes on that and sending it back. He has a problem with doing that.

Board Member Clift was going through some of the backup up here. He's just curious if there was an ownership change or leadership change. What changed after 2014 to the present? He's not noting any violations from 2014 in the packet to the present.

Nevar Jahwary said nothing he's aware of to his knowledge.

Board Member Clift asked if he was involved with the property back in 2014.

Nevar Jahwary replied no.

Board Member Clift said that's going to prompt him to ask, what's the length of his relationship with this facility.

Never Jahwary replied previous architect and then contractor passed away that was handling there and took over. The lady that owned the property, she's a family friend. To his knowledge and to her knowledge as well, these sheds were permitted. The contractor that built these sheds told her they were permitted. He understands that's not an excuse, but to his knowledge they were permitted.

Board Member Clift can only work with the information they have. The city would have a record if they were permitted or not. Apparently, that's not the case.

Steve Watripont informed there are no permits for these. The last permit was for the statue out front and there were no sheds at that time.

Board Member Clift yields the floor.

Chairman Nestorowicz said they'll be fine with sheds 1 and 2. If 3, 4, 5 and 6 are removed it's less than what Planning approved. Do they need to get Planning to approve it again?

Steve Watirpont explained they would just have to revise the site plan when they submit it. Right now the site plan is conditionally approved based on variances. So if the variance is only to grant a portion of that, then that would have to be removed when they revise the site plan anyways.

Chairman Nestorowicz said they can vote on this then today.

Board Member Green asked if they table it has to go back.

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Secretary Jerzy said it's less than what's asked.

Board Member Green asked if he has to go back. If they do the two (2) shed thing, how do they get assurance of slabs and rat walls. Is that a condition?

Chairman Nestorowicz explained when they look at permitting they have to get it inspected and that's part of the permit inspection process.

Board Member Lindsey would like to make a motion.

Motion:
Board Member Lindsey made a motion to deny permission to:
1) Retain 6 existing sheds in the west side 20' setback.
2) Retain the concrete and paver areas constructed to the front property line along Ten Mile Road.

Reasons being: Petitioner has not met the criteria or established practical difficulty to approve a variance; No unreasonable impact or burden; Self-imposed; Property is not unique; Detriment to the area; Personal situation; Not necessary to enjoy the property.

Board Member Watts supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Lindsey, support by Mr. Watts to deny the existing request as read.

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

Board Member Lindsey	Yes, to deny for the reasons stated in the motion.
Board Member Watts	Yes, to deny for the reasons stated in the motion.
Board Member Assessor	Yes, to deny for the reasons stated in the motion.
Board Member Clift	No, would've entertained the compromise.
Board Member Green	Yes, to deny for the reasons stated in the motion.
Board Member Sophiea	No, would've entertained the compromise; in support of the two (2) sheds.
Secretary Jerzy	No, in favor to the compromise.
Chairman Nestorowicz	No, should still take the vote on the compromise.

Chairman Nestorowicz asked if they have the motion for the compromise.

Motion:
Board Member Sophiea made a motion to grant permission to:
1) Retain **2** existing sheds (1 and 2 pursuant to the site plan) in the west side 20' setback.
2) Retain the concrete and paver areas constructed to the front property line along Ten Mile Road.

Reasons being: Not a detriment to the area.

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Board Member Clift supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Sophiea, support by Mr. Clift to support the request revised to being only sheds 1 and 2.

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

Board Member Sophiea	Yes, for the reasons stated in the motion.
Board Member Clift	Yes, for the reasons stated in the motion.
Board Member Assessor	No, detriment.
Board Member Watts	No, detriment and the property can be used as zoned and self-imposed.
Board Member Green	Yes.
Board Member Lindsey	No, property can be used as zoned, doesn't create unreasonable impact, self-imposed, property is not unique, detriment and personal.
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 read.

11. PUBLIC HEARING: **APPLICANT: SHEETZ INC**
REPRESENTATIVE: Rebecca Green – Zoning Resources
COMMON DESCRIPTION: 31925 Van Dyke
LEGAL DESCRIPTION: 13-04-278-010
ZONE: MZ, M-1, M-2

VARIANCES REQUESTED: Permission to
1) Retain 174.54 linear feet of exterior rope lighting on the building.
2) Retain 415.16 linear feet of exterior rope lighting on the gas canopy.
3) Retain 60.25 linear feet of exterior rope lighting on the building entrance canopies.
Total of 649.95 linear feet of exterior rope lighting.

ORDINANCES and REQUIREMENTS:
Section 4A.14 – Prohibited Signs: The following types of signs are prohibited in all districts, unless it is a public artwork commissioned by the City of Warren as part of its Placemaking with Art Initiative:
(c)Exterior rope lighting visible from the public right-of-way except temporary lighting and government signs.

Mitch Packet, 19500 Hall Road, appeared before the board.

Kyle Inbody, 841 Meadow Lane, appeared before the board.

Kyle Inbody said for reference item 11 and 12 are nearly identical so what he's saying is going to go for item 12. Last year they proceeded with several variances for the site development of multiple Sheetz properties in town. As they worked there way through the process he believes there was a

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misunderstanding between the plans approved by staff and Sheetz themselves as the definition of rope lighting. On the plans featured rope lighting by XP and those were approved in the plans. Similar to the previous applicant with different gas stations, they had these rope lightings that were featured around the perimeter of the building, in the eyebrows and the awnings. It's very important to Sheetz the way they structured the lighting for all the signage. They're shielded from the view of public right-of-way. The design of those rope lights are meant to be soft, controllable, low voltage, LEDs where they can control the focus of that light and keep it from being a detriment to the community. The way those are structured on the plans they received, they can see where there's 174 linear feet of exterior rope around the perimeter of the building, approximately 39.5 lineal feet under the perimeter of the two (2) awnings located at the entrance and then there's 415 lineal feet around the perimeter of the gas canopy that illuminates down on that light. Looking at some of the images they provided, that lighting is designed to wash the brick and not focus outward. Even on all Sheetz buildings, that lighting typically doesn't make it down to the sidewalk. It's more of a feature along the building. For those reasons, they're seeking a variance today to allow the rope lighting in the application they already constructed on the properties.

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

No response.

Chairman Nestorowicz turned it over to the board.

Board Member Clift kind of recalls some of this last year. He thought he asked some pointed questions about the construct and what it is and how it was going to work. If he recollect correctly, no one really had an issue with it. He's trying to wrap his head around why they're here talking about it again. He spoke about a misrepresentation of some sort on Planning. Somebody is going to need to explain to him a little bit about what happened.

Steve Watripont explained these are the first two (2) gas stations and it wasn't discussed during those. It was discussed during the third one and approved on the third one. There's three (3) stations in the city that went through for sign variances.

Board Member Clift knows they talked about it and he didn't think anyone had a problem or issue with it. He was just curious what was what. He yields the floor. He doesn't have a problem with it.

Secretary Jerzy is prepared to make a motion.

Motion:
Secretary Jerzy made a motion to grant the petitioner permission to:
1) Retain 174.54 linear feet of exterior rope lighting on the building.
2) Retain 415.16 linear feet of exterior rope lighting on the gas canopy.
3) Retain 60.25 linear feet of exterior rope lighting on the building entrance canopies.
Total of 649.95 linear feet of exterior rope lighting.

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

Board Member Clift supported the motion.

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

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

Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member Clift	Yes, for the reasons stated in the motion.
Board Member 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 Sophiea	Yes, for the reasons stated in the motion.
Board Member Lindsey	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: SHEETZ INC**
REPRESENTATIVE: Rebecca Green – Zoning Resources
COMMON DESCRIPTION: 5920 Twelve Mile
LEGAL DESCRIPTION: 13-16-101-024
ZONE: C-2

VARIANCES REQUESTED: Permission to
1) Retain 172.94 linear feet of exterior rope lighting on the building.
2) Retain 60.24 linear feet of exterior rope lighting on the building entrance canopies.
3) Retain 389.26 linear feet of rope lighting on the gas canopy.
Total of 622.44 linear feet of exterior rope lighting.

ORDINANCES and REQUIREMENTS:
Section 4A.14 – Prohibited Signs: The following types of signs are prohibited in all districts, unless it is a public artwork commissioned by the City of Warren as part of its Placemaking with Art Initiative:
(c)Exterior rope lighting visible from the public right-of-way except temporary lighting and government signs.

Mitch Packet and Kyle Inbody repeated their name and address.

Kyle Inbody said these are constructed nearly the same just a little bit different sizes for the buildings based on the configuration of the lot. Same as previous.

Chairman Nestorowicz said 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.

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Motion:
Secretary Jerzy made a motion to grant permission to:
1) Retain 172.94 linear feet of exterior rope lighting on the building.
2) Retain 60.24 linear feet of exterior rope lighting on the building entrance canopies.
3) Retain 389.26 linear feet of rope lighting on the gas canopy.
Total of 622.44 linear feet of exterior rope lighting.

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

Board Member Assessor supported the motion.

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

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

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

13. NEW BUSINESS

Chairman Nestorowicz said at the last meeting Mr. Green was nice enough to volunteer write down some of the changes for articles. They did get a copy of that today from Jennifer. His question is did everybody have a chance to read this or should they wait until their next meeting? Everyone should review this and be ready.

Board Member Watts would say next meeting since they just got it and had no chance to look at it.

Board Member Clift would like to suggest next meeting discussion and hold a vote on it meeting after.

Board Member Green thanked the city attorney for getting this done so fast. When he reads it he will have a question on the 3 minute rebuttal thing. Give an idea on what their direction would be in that kind of situation. Other stuff is fine.

Jennifer Pierce said ok.

Board Member Green does have one more item for new business.

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Chairman Nestorowicz asked if they had a motion to vote on this next meeting.

Motion:
Board Member Clift made a motion to review board bylaws for the next meeting and allow revisions and adopt at the meeting after; Supported by Board Member Sophiea.

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

Board Member Green said his next item is the minutes. The way they do minutes verbatim doesn't seem to be the most effective way to do minutes. The time, labor, equation doesn't seem to mix up. His understanding that once Council went to video/audio type of structure for minutes. He's thinking it might be a good idea for them to move in that direction. He doesn't know how they would proceed. Can he ask Nicole a question? He asked if it does make sense.

Nicole Jones said it does but it's a question for the attorney to see if we can do it.

Board Member Green directed his question to the city attorney.
Jennifer Pierce doesn't see a problem with it. Rules and procedures require them to take minutes, the open meetings act requires them to take minutes.

Board Member Green said maybe at the next meeting people can think about it and changing it to something like City Council does.

Jennifer Pierce knows Planning uses an actual court reporter so it is word for word. For these types of hearings where there is an appeal process, she thinks it's important that they have a transcript as opposed to a summary. She's in agreement.

Board Member Green asked if that's something they can think about and do at the next meeting. He would like to make a motion and hopes to get support. Get an opinion from the city attorney on voting. Abstaining from a vote as a present board member.

Jennifer Pierce said rules of procedure, and her apologies. Section 9.3 vote required. Each board member shall vote on all motions brought before the board at any regular or special meeting at which the board member is in attendance unless excused from voting by the affirmative vote of the members.

Board Member Green appreciates that. The reason is, and with all do respect to everybody. When they get into a situation where it's sticky it would sure be convenient to abstain from voting. That clarifies.

Jennifer Pierce apologized.

Board Member Green said no worries.

Steve Watripont said it's the same reason he came up here.

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Board Member Clift wants to request a little bit of information. Maybe the city attorney can help with this one if she gets a few minutes. He's curious to know how many of their decisions have been overturned in the last year at Mount Clemens court. They don't get a report, they don't hear about anything if they want to look into anything they have to ask questions. He's just genuinely curious about that. The last several months especially.

Jennifer Pierce said the last one that she had was the original parking driveway expansion with the attorney. That's the last one.

Board Member Clift said fair enough. He also wanted to make another point that he kind of noticed that item number 6 for tonight, the iDrive item, has had an awful lot of rescheduling on that and he has a funny suspicion that the last 2. Well last 3, tonight, June 24th and June 10th had to do with being a member short on the board and she decided to wait. They can play this game in perpetuity. He wants to encourage city council to appoint alternates to this board so they don't run into these problems and keep inconveniencing their residents and business people having to postpone for weeks at a time their requests coming before this board because they're afraid to let it go because the board is short. He yields the floor.

Chairman Nestorowicz said starting April 22nd all of those were due to them not having a full board. Since it's a use they offer the opportunity that the petitioner can reschedule to have a full board. If they had alternates…

Board Member Clift said that's eight times that particular petitioner is held up what they're doing, pay someone to make an appearance for them. He wants to remind everybody their appointments are coming due in September again. He's letting the board know now he's not applying again. If 1 or 2 not re-applying city council needs to get their applications out. His last meeting will be August. He doesn't make the decision lightly. There's things going on that he doesn't have much of a choice in the matter. He yields the floor.

Chairman Nestorowicz thanked Mr. Clift. He asked for any other items for new business. Motion for adjournment?

14. ADJOURNMENT

Motion:
Secretary Jerzy 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 8:01 p.m.

Paul Jerzy
Secretary of the Board

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