WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
May 13, 2015

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, May 13, 2015 at 7:30 p.m. in the Warren Community Center Conference Room A, 5460 Arden Avenue, Warren, Michigan 48092.

Members of the Board present:
Steve Watripont, Chairman
Judy Furgal, Vice-Chairwoman
Roman Nestorowicz, Secretary
Jennifer Vigus, Asst. Secretary
Jean Becher
Jules Descamps
Henry Brasza
Sherry Brasza
Ann Pauta

Members of the Board absent:
None

Also present:
Roxanne Canestrelli, City Attorney
Everett Murphy, Zoning Inspector

APPROVED

1. **CALL TO ORDER**

Chairman Watripont called the meeting to order at 7:35 p.m.

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

All Board Members were present.

4. **ADOPTION OF THE AGENDA**

Motion:
Board Member Vigus made the motion to approve the agenda and Board Member Descamps supported the motion.

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

5. **APPROVAL OF THE MINUTES OF the Regular Meeting of April 22, 2015.**

Motion:
Board Member Vigus made the motion to approve the minutes of April 22, 2015 and Board Member S. Brasza supported the motion.

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

Chairman Watripont stated for the record, he does not take part in that vote because he was absent for that meeting.

6. PUBLIC HEARING **APPLICANT: Mazin Marogi/ Armani Auto Sales, Inc.**
(Postponed from 2/11/15 and 4/8/15)

REPRESENTATIVE:	Mazin Marogi/Richard Sulaka Jr.
COMMON DESCRIPTION:	20787 & 20809 Mound 20780, 20788, 20798 & 20806 Albany
LEGAL DESCRIPTION:	13-32-483-017, 13-32-483-016, 13-32-483-008, 13-32-483-007, 13-32-483-006, 13-32-483-033
ZONE:	M-2

VARIANCES REQUESTED: Permission to:

1. Operate a used car lot to no less than 60 feet of the R-1-C Zone on Albany as per the plan.
2. Operate a used car lot to no less than 210 feet from the property line of the R-1-P Zone on Albany, currently used as part of an existing used car lot, as per the plan.
3. Waive one (1) required off street parking space.
4. Allow a six (6)' wall along the Albany property line as per the plan.

ORDINANCES and REQUIREMENTS:

Section 15.01 (e)(2): Location criteria shall be 700 feet from the property line of any other site with an existing used car lot or the site of a proposed used car lot subject to review for approval. The site must be located more than 200 feet from the nearest lot line of property used as or zoned as R-1-C, R-1-P…

Section 15.01 (e)(12): Off street parking requirements for used car lots. Five spaces + 1 or each 15 used cars and Section 4.32 (h)(20).

Section 4.32 (h)(20): parking for car lots. One (1) space for every 500 sq. ft. of floor space.

Section 4D.39 Location of fence/walls: … and shall not extend closer to the front lot line than the established building line or front set back line.

Chairman Watripont asked the individual at the podium to state his name and address for the record and the reason for his petition. He asked the individual at the podium to press the green button for the microphone to be turned on.

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Mazin Marogi appeared before the Board and stated that he owns the properties on 20787 and 20809 Mound Road.

Chairman Watripont asked what the reason for his petition is.

Consultant for Mr. Marogi *(Not identifying himself)* stated, to establish a used car lot.
Chairman Watripont asked what their hardship was.
Consultant for Mr. Marogi stated he was sorry. *(For not hearing the question)*

Chairman Watripont asked once again, what the hardship is.

Consultant for Mr. Marogi asked what that meant.

Chairman Watripont stated what the reason for establishing it was?

Consultant for Mr. Marogi stated they have about five (5) lots on Mound Road and they are trying to demolish all of the buildings on Mound Road; these buildings are almost fifty (50) years old. They propose to place a brand new building and to be compliant with the city's ordinances. One of them they were asked to put up six foot (6') wall and also they are short one car for parking—two hundred feet (200') of space. They have sixteen (16) signatures from the neighbors who are allowing them to go ahead with their plans and are in favor to them.

Chairman Watripont asked the Consultant with Mr. Marogi to state his name and address for the record.

Mike Semma, 6631 Queen Anne Drive, West Bloomfield, MI appeared before the Board and stated that he is the Consultant for Mr. Marogi.

Chairman Watripont thanked Mr. Semma and stated this is a public hearing and anyone wishing to speak on this item to approach the podium. Hearing and seeing none, he turned the matter over to the Board.

Board Member Descamps stated that is a very nice picture of the building but the Board did not have any plans in front of them showing any of that. *(Based on a photo presentation by the petitioner displayed before the Board)*

Mike Semma stated they submitted fourteen (14) plans.

Board Member Descamps asked they did?

Mike Semma stated yes sir.

Board Member Descamps asked to the Planning Department?

Mike Semma stated, yes sir.

APPROVED

Board Member Descamps asked if it was approved.

Mike Semma stated that was why they are present before the Board. They told him to appear before the Zoning first and they verbally told him that it looked very good and whatever they had asked of him was done. The last time they were present, they had asked for a fifty foot (50') setback from Mound Road, which they did provide for them and whatever they had asked of him, he complied with all of the Building Department's requests; yes.
Board Member Descamps thanked Mr. Semma.

Chairman Watripont to Board Member Descamps stated this was rescheduled, so there were plans in the original one.

Board Member H. Brasza stated that he provided Board Member Descamps a photocopy of his.

Board Member Descamps stated: He had just received it; apparently he was not present at that meeting and he is just looking at the plans now and thanked the Chairman.

Board Member H. Brasza to the Petitioner stated as part of their thing with the Planning Commission, is it in motion to combine all of these into one lot?

Mike Semma stated yes they did.

Board Member H. Brasza stated that was part of their process, that they have already started that.

Mike Semma stated yes.

Board Member H. Brasza stated he knows when they were present in the prior meeting they were speaking of the six foot (6') wall; that is going to go all the way along the property line along the back then?

Mike Semma stated yes, they are willing to do all of that.

Board Member Descamps asked Board Member H. Brasza if it was cement.

Board Member H. Brasza stated yes it is a cement wall. He stated that was all he had.

Board Member Descamps stated he just had a chance to review their plans and he noticed that they have a lot of letters in support from the neighbors and he believes they are going to improve the area quite a bit by doing this and first he would like to

APPROVED

thank them for doing that, because it is going to improve into the City of Warren. He asked if any other Board Members had anything else to say.

Board Member Pauta stated from day one, these people have been coming here, that someone has been coming for at least a year to try and get this approved and she does not like any business this close—especially a car lot—that close to residential; that was just ridiculous.

Chairman Watripont stated that his record show that this was started in December and on the agenda for February 11th, that was the first time and then new plans were submitted and it was rescheduled to April 8th; then rescheduled to today because they did not have enough Board Members present at that meeting. That is what his record shows.

Board Member Pauta to Chairman Watripont stated; also if it started in December it should have been on the Planning agenda by now.

Chairman Watripont stated it actually started in front of the Board February 11; it was initiated in December.

Board Member Pauta stated she understands but the gentleman said that plans were submitted to Planning; when?

Chairman Watripont stated no, they were submitted to the office. New plans were submitted in March, the Board received them for the April meeting.

Board Member Pauta stated and this is May.

Chairman Watripont stated right, the Board's meeting.

Board Member Pauta stated right, but Planning should have reviewed this and approved or disapproved by this time.

Chairman Watripont stated Planning does not see everything before the Board. They are present for a variance and not necessarily related to the items that go before Planning. Some items will go before Planning and some will not. He asked the City Attorney if that was correct?

Roxanne Canestrelli stated yes that is correct.

Chairman Watripont stated that it was possible that this had not gone and it was possible that Planning may deny it when it gets there as well.

Board Member Pauta stated the fact remains that they are speaking about sixty feet (60') of the R-1-C Zone on Albany to operate a used car lot. She is totally against this.

APPROVED

Board Member Descamps stated if there were no further statements coming from the Board, he would like to make his motion.

Motion:
Board Member Descamps made the motion to approve the petitioner's request to:
1. Operate a used car lot to no less than 60 feet of the R-1-C Zone on Albany as per the plan.
2. Operate a used car lot to no less than 210 feet from the property line of the R-1-P Zone on Albany, currently used as part of an existing used car lot, as per the plan.
3. Waive one (1) required off street parking space.
4. Allow a six (6)' wall along the Albany property line as per the plan.

Reason being: Not a detriment to the area, needs approval of the Board and due to the size and shape of the lot.

Board Member Becher supported the motion.

Chairman Watripont stated there is a motion by Board Member Descamps and Support to the motion by Board Member Becher. He would also like to state that he has at least fourteen (14) letters, all in support, all read the same.

Board Member Becher asked from the residents on Albany?

Secretary Nestorowicz stated they all read the same.

Chairman Watripont stated yes that were included in their packets, so they were not necessarily sent to the Board.

Roxanne Canestrelli asked Chairman Watripont if he had stated they were not sent to the Board.

Chairman Watripont stated they were included in the packet, not sent to the Board separate; they were included before.

Roxanne Canestrelli stated right and addressed Secretary Nestorowicz stating that if he would like to, he could read one of the letters since Chairman Watripont had stated they were all similar.

Chairman Watripont stated yes.

Roxanne Canestrelli stated if the Secretary would like to read the contents of one, so long it is signed, then that was fine to do so.

APPROVED

Secretary Nestorowicz stated okay.

Roxanne Canestrelli stated then to file and receive the rest of them and that would be fine.

Secretary Nestorowicz stated yes, and all of the letters basically state the same thing. "To whom it may concern: As a resident of the Warren who lives in and around the surrounding area of 8 Mile and Hayden Street, I would like to give my support for the Used Auto Sale project at the above address. I believe this auto sale will enhance our community and help the City of Warren generate income as well as not having a blight building in this area. I am supportive of this project and would like all of the parties concerned to know that I am in complete agreement and in full support." All of the letters are basically the same copied version and they are all signed with an address of the people in the area.

Chairman Watripont thanked Secretary Nestorowicz and stated he has a motion and support and asked for Roll Call.

Roll Call:
A roll call was taken on the motion to approve and the motion carried (8-1).

Board Member Descamps	Yes, for the reasons stated in the motion.
Board Member Becher	Yes, for the reasons stated in the motion.
Board Member Pauta	No, she is not in favor of this at all and these letters look like someone just made a copy and door to door and had them signed. They do not even know that these are the proper signatures of these residents or anything.
Board Member Vigus	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Board Member H. Brasza	Yes, for the reasons stated in the motion.
Board Member S. Brasza	Yes, for the reasons stated in the motion.
Secretary Nestorowicz	Yes, for the reasons stated in the motion.
Chairman Watripont	Yes, for the reasons stated in the motion.

The petitioner's request was **GRANTED.**

7. PUBLIC HEARING	**APPLICANT: Mr. Roy Mills-USE-** (Rescheduled from 4/8/15)
REPRESENTATIVE:	Same as above.
COMMON DESCRIPTION:	7552 Republic
LEGAL DESCRIPTION:	13-28-483-005

APPROVED

ZONE: R-1-C

VARIANCES REQUESTED: Permission to-USE-
Have a two family dwelling, upper and lower units, in a single family residential zone and waive the required off street parking.
ORDINANCES and REQUIREMENTS:
Section 5.01 thru 7.01: Uses in residential districts: Multi family dwellings are not allowed in single family districts.
Chairman Watripont stated to the individual at the podium to state his name and address for the record and the reason for his petition.

Roy Mills, 14229 34 Mile Road, Romeo, Michigan, appeared before the Board and stated the reason for the request is to allow a Use Variance for his property at 7552 Republic to allow an upper and lower unit in a single family residential area.

Chairman Watripont asked the petitioner for his hardships?

Roy Mills stated the hardship was stated previously in a related petition and that was that the home has been always constructed as separate units upper and lower, so none of this was self-imposed and it is best used as a two-unit. He would like to mention also that the city certifications have been previously completed as of September last year for both the upper and the lower with the exception of the parking area in the rear of the home. His petition today is to ask for the variance and waving the requirement for a parking pad and the reason would be that both of his tenants; he has one tenant upstairs and one tenant downstairs and both of them are coming out of a homeless situation and neither one of them drive, so at this point and time there is no vehicles that need to be parked and is asking for that waiver as well.

Chairman Watripont stated this is a public hearing and anyone wishing to speak on this item to approach the podium. He asked Mr. Mills if he could step to the side.

Joseph Hunt, 8306 Stanley, Warren, appeared before the Board and stated he is a homeowner and taxpayer here in the City of Warren in political District two (2). He followed Mr. Mills' application since last year and he thinks that what he is doing is fantastic. He believes the zoning laws of the City of Warren need to be updated according to what he has seen of them and of course the master plan, but the Petitioner satisfied all of the contingencies and requirements imposed by the City and he thinks that waving the off street parking would be fantastic. The idea behind is this is a multi-family home within District five (5) and he believes bringing more people into the City of Warren is the objective, but he is in strong favor of the Applicant. He thanked the Board.
Chairman Watripont stated hearing and seeing no one else, he turns the matter over to the Board, but first he has a one question for the petitioner. He asked within the driveway, how many cars he could fit on the site.

APPROVED

Roy Mills stated on the site currently there was an image with the drawings that it was shown with the packet; he could get two (2) vehicles in the driveway with what is paved currently without having to put the pad in the back where the garage used to be.

Chairman Watripont stated and one would be blocked in if they needed it.

Roy Mills stated that is correct.

Chairman Watripont thanked Mr. Mills.

Board Member Becher to Mr. Mills stated even though his tenants do not own vehicles at this time, further in the future he could have tenants that do own vehicles and where would he expect them to park them and have access to get in and out of the property?

Roy Mills stated currently there is parking on one side of the street and many of his neighbors park on the street as well, that could be an option. The other option is that at that time maybe at a future date, he would be willing to work with the Building Department to put that in at a future date. He is not opposed to it; it was just at this point in time he would like to move forward before he does the expenditure.

Board Member Becher stated she drove past his property last Saturday. His grass needs to be cut and his front porch needs to be painted and she is not in favor of this.

Board Member Pauta stated she also was not in favor of this because as the gentleman just told them that it has been occupied as two separate units, which should have two separate addresses, two gas meters, two water meters, two electrical meters and the inspectors has noted it on their inspection report that they observed that there was only one meter. That driveway is deplorable; that is bad and that is not a solid driveway. That is two (2) little strips of concrete poured from sidewalk to not even total back of the house and he needs parking there, no doubt about it; that is a narrow road, she has been there. She is not in favor of this at all and thanked Chairman Watripont.

Board Member Vigus stated to the Petitioner and ultimately maybe to Mr. Murphy as well. In the inspections that she is looking at, dated May 15, 2014 and also state that they are void after one hundred and eighty days (180) days, has he had the stuff re-inspected?

Roy Mills stated yes, in September all of the approvals were given with all five (5) with the exception of the zoning. Zoning is the only exception there was for the parking for the two-unit. It was re-inspected in August and September of last year as a two-unit. They had it looked at as if it were approved.

APPROVED

Board Member Vigus asked if they have documentation to support that.

Everett Murphy, Zoning Inspector stated Zoning is the only outstanding item that Mr. Mills has.

Board Member Vigus asked so everything has been taken care of?

Everett Murphy, Zoning Inspector stated everything else has been taken care of and he believes that—correct him if he is wrong—and the Board probably knows better than he does because he was not present at the original meeting, but he believes that the first time the petitioner came in front of the Board, the Board asked him to complete all of the items on the City Certification, which was written up as a two-family at that time, because they discovered it was a two-family. They sent him here to try and see if he could get the approval or not and the Board actually told him to do all of the work that was listed and then come back, so he has done everything. Now again, his understanding originally from him (Addressing the Petitioner) was that he was willing to do the driveway but he did not want to do that in case the Board turned him down and made it a single, then he did not want to go through the expense of doing the driveway…

Roy Mills stated that was correct.

Everett Murphy stated but he (Addressing the Petitioner) had indicated to him before whether or not he is doing that now; it appears that he is not asking for that; was that if they did grant it as a two, then he was willing to put that extra space in the back.

Roy Mills stated yes.

Everett Murphy stated that is his recollection of everything that happened. But he has finished everything but zoning and he thinks the driveway is the only outstanding issue for zoning and he thought it was understandable personally that he waited to do that because again if the Board is not going to give him a two-family, why would he go through the expense.

Board Member Vigus stated right.

Chairman Watripont thanked Mr. Murphy.

Board Member Vigus stated she just has one more question if she may; and Everett maybe she is looking for some guidance here. She remembers specifically the last time he (the petitioner) was here questioning him about the laundry that he had listed on the back porch. Is that back porch heated?

Roy Mills stated yes. The back porch is a heated area and it went through the mechanical inspection.

APPROVED

Board Member Vigus stated okay, so that has been approved to have a laundry on the back porch as well?

Roy Mills stated yes.

Board Member Vigus asked and that was perfectly fine with zoning ordinances and everything, Everett?

Everett Murphy stated if it meets the Code, yes he could do that.

Board Member Vigus stated okay and thanked Mr. Murphy.

Board Member S. Brasza stated she is certainly happy that he was patient with them. She is really golden with the two-family but she is having a hard time with the waving of the spaces, due to the fact that he had stated as Everett had mentioned, that had they gone ahead and put this through, that he would be willing to do that paving. What they deal with here in Zoning goes with the property. Whether he is the owner or the next owner and thereafter and she would hesitate to put a two-family without parking. She understands the circumstances and that they do not have vehicles but again, if they put this through, it is forever and she would like to see that cement there forever also.

Roy Mills stated he would be willing to do that if maybe they could come up with a stipulation of a timeframe; like to give him a year to have it put in and it could be checked through the Building Department because he does have regular inspections. He is sure they could note that, so he would be willing to modify his request to say put it in within a year.

Board Member S. Brasza thanked Mr. Mills and stated she does not know if, through the City Attorney, if that is something that they could notate?

Chairman Watripont stated the maker of the motion can stipulate that requirement, correct?

Roxanne Canestrelli stated yes, that is correct.

Secretary Nestorowicz stated after following up on what Board Member S. Brasza mentioned because they have gone back and forth on this property; he would be willing to go ahead and approve it with the condition of the parking, but he thinks a year is too much, he would actually like to see that happen this year, still within 2015; like within six (6) months, so before next winter comes. (Laughter) Because he does not want winter coming in and then having someone say ‘oh we cannot put the concrete in because now it is too cold and there is frost and all that, but a timeframe of six (6) months, he would be fine with.

APPROVED

Roy Mills stated he is in agreeable to that.

Board Member Pauta stated they have guidelines for hardships and the documents that this gentleman submitted tells her it is a financial issue not so much City issue and that is not her problem it is his. Yes, he was right that the Board asked him to get all these items done according to the inspectors but they also did—and she knows she has done it—ask for two (2) separate addresses and meters. She thinks that is necessary if it is going to be a two-family, then make it a two-family totally.

Roy Mills stated and that was also previously addressed that the City inspection is done in September; they were approved as single meters for the water, gas and electric. With the way he has it setup is that his tenants pay him for utilities and he pays the utilities; so he is responsible for utilities.

Board Member Pauta to Chairman Watripont stated there was also a document when—she thinks it was a month or two ago—when this gentleman applied to appear before this Board that he was trying to change the zoning to something else. She is really having a hard time with this; she sees all the notes from the inspectors and she is not confident that he is going to complete whatever the Board is asking for right now.

Chairman Watripont thanked Board Member Pauta and stated this is a land-use variance and personal or economic hardship is not one of the standards used.

(Board Member Pauta's response was inaudible)

Chairman Watripont asked Board Member Pauta to speak on the record.

Board Member Pauta stated the previous documents that this gentleman submitted were discussing his hardships about his 401(k) and other items that all pertain to personal issues, which the Board does not have control of, which is none of their business. He had put down that he was employed at Chryslers as a Restraint Engineer…

Chairman Watripont to Board Member Pauta stated personal and economic hardship is not one of the...so it is not a factor in this item.

Board Member Pauta stated right, so her problem is she does not know why he is before the Board.

Board Member S. Brasza stated if there were no further discussions she would like to make the motion.

Motion:
Board Member S. Brasza made the motion to grant the permission to Use:

APPROVED

Have a two family dwelling, upper and lower units, in a single family residential zone and per the Petitioner's agreement, **Condition:** That the property be paved within a six (6) month timeframe.

Reason being: Unique Property, property cannot be used as zoned and it is not a detriment to the area.

Board Member Vigus supported the motion.

Chairman Watripont stated he has a motion by Board Member S. Brasza, Support by Board Member Vigus. He asked for Roll Call.

Roll Call:
A roll call was taken on the motion to approve and the motion carried (7-2).

Board Member S. Brasza	Yes, for the reasons stated in the motion.
Board Member Vigus	Yes, for the reasons stated in the motion.
Board Member Pauta	No, for all of the reasons she stated previously.
Board Member Becher	No, she definitely believes it is a detriment to the area and believes the home could be used as a single-family home; just because someone turned into a two-family situation, it does not mean that it was a two-family home to begin with and she definitely thinks it is a detriment to the area.
Board Member H. Brasza	Yes, for the reasons stated in the motion.
Board Member Descamps	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Secretary Nestorowicz	Yes, for the reasons stated in the motion.
Chairman Watripont	Yes, for the reasons stated in the motion.

The Petitioner's request was **GRANTED.**

8. PUBLIC HEARING **APPLICANT: Mr. Kenneth Joseph Wacht**
(Rescheduled from 4/8/15)

REPRESENTATIVE:	Same as above.
COMMON DESCRIPTION:	8319 Christine
LEGAL DESCRIPTION:	13-15-152-033
ZONE:	R-1-C

VARIANCES REQUESTED: Permission to

APPROVED

1. Construct/retain a 10' x 10' = 100 sq. ft. accessory structure to no less than seven (7) feet of the rear property line and no less than five (5) feet from the detached garage (400 sq. ft.) as per the plan.
2. Retain a privacy fence as per the plan with a maximum height of 8' 2" at the highest point with the good side facing inward.

ORDINANCES and REQUIREMENTS:

Section 4.20 Paragraph (a)(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.

Section 4D.33 (a) Interior lot height: Fences may be constructed not more than six (6) feet in height above the established grade of the property.

Section 4D.11 Orientation: All supporting posts, cross-member, and hardware of all fences shall face toward the interior of the lot of the person erecting the fence.

Chairman Watripont asked the individual at the podium to state his name and for the record.

Kenneth Joseph Wacht, 8319 Christine Street, Warren, MI, appeared before the Board.

Chairman Watripont asked Mr. Wacht the reason for his petition.

Kenneth Joseph Wacht stated really, when he had his shed put up, he went to City Hall and they told him it had to be six (6)' foot from power lines and behind the garage, that was all they told him; that was eighteen (18) to twenty (20) years ago and he it was constructed by Blanchard Construction, he used to live on Schoenherr and Masonic, but he moved up to like Hayes and 28 Mile. As for the fence, he has been putting up with this fifteen (15) to twenty (2) years… (Mr. Watch pulls up a box full of miscellaneous different items of some are a basketball, a baseball bat, etc. to present to the Board)… (Voice inaudible)

Chairman Watripont asked Mr. Wacht to speak into the Microphone after he pulls all of his items out.

Kenneth Joseph Wacht stated hardballs, everything. Neighbors next door—it is hard to live with them and he just keeps to himself but he has just had it. He is worried about private property destroyed, security; eighty percent (80%) to ninety percent (90%) of the time people listen to them through the back. He has a sunroom that is all glass, his generator is back there, all of the inspectors that have come over to see it have said, what is wrong with the fence it looks good, and they have never said anything about good side out when he was having the fence for the five foot (5') fence too, they told him he needed a permit and he knows he went a little higher but he stated the reasons. All of the balls coming into his yard and not just balls, bats and he is worried about…because his friend's car was hit one time on the window in the driveway and as a matter of fact, that bat flew right where he usually washes his car and stuff.

APPROVED

Chairman Watripont stated this was a public hearing and anyone wishing to speak on this item to approach the podium. He asked Mr. Wacht to step to the side.

Joseph Hunt, 8306 Stanley, Warren, stated he is a homeowner and taxpayer on section 15, as the petitioner on Christine is right around the block. He lives in a very nice neighborhood, people take pride in other houses and their neighbors and he has a privacy fence himself—it was erected for just such that reason—that the kids next door basically are always playing ball and they always hit that ball over the fence, so basically that was one of the reasons that he put up a privacy fence to create privacy and create some kind of privacy with the neighbors that are basically always athletically climbing over the fence. Specifically this variance here he does not see anything wrong here especially if the petitioner has mentioned that the inspectors that have come by have not complained about the integrity or the quality of the fence. If something is built and basically it goes through the procedures and processes, he does not really see any reason after the fact to all of a sudden make somebody tear it down just because it is not in compliant with our out of date zoning ordinances, but the idea is he knows where this is at, it is in his neighborhood and it is very well maintained neighborhood.

Chairman Watripont thanked Mr. Hunt. Seeing and hearing no one else…another person wanting to speak. Chairman Watripont asked the individual at the podium to state her name and address for the record.

Susan Elliott, 8331 Christine, appeared before the Board and stated she is directly next door to him. As for fifteen (15) or twenty (20) years, having these balls, her son is fifteen (15), so it has not been fifteen (15) or (20) years, he just turned fifteen (15). When the balls would go over the fence, if they go over their other neighbor's fence, they just throw them back into their backyard. Her son seeing how he is (referring to Mr. Wacht), would not go over there to ask him for the ball back, so her daughter went and knocked on the door, he (referring to Mr. Wacht) did not answer. When her husband got home and he went over and he (referring to Mr. Wacht) refused to give them back. He has been keeping them for whatever reason she does not know. When he first put up the fence, they were fine with it, it was shorter because he walks around in his underwear and does yard work and she has a thirteen (13) year old daughter that does not need to see that. Then the fence got higher and higher; it is very ugly from their side, they have the ugly side; they are all different colored wood, they are different lengths, they are different heights; even an inspector just came up a week and a half ago to inspect their new furnace and he went around to check the air conditioner, he looked at the fence and said do you like that fence back there? He said that is an eyesore—this was a City of Warren Inspector. He for sure said that he used to do inspections and he said that thing needs to come down. It is too high, it is ugly, there should be a space between all the boards; there is not. Part of it is high off the ground, part of it is low to the ground; it is very ugly from their side. They do not want to have to look at it.

APPROVED

Kenneth Joseph Wacht stated well he would say one thing…

Chairman Watripont stated this is a public hearing, so he has to wait and they will ask him questions directing to him afterwards.

Susan Elliott stated as far as any damage to his property, he has accused her son of breaking things, she asks her son herself if he broke anything, if he did do that and he would say no they were not even over there. Her son would tell her.

Kenneth Joseph Wacht stated to Mrs. Elliott that her son is a liar.

Susan Elliott to Mr. Wacht stated not to accuse her son of being a liar, he does not know her son and he will never know her son.

Chairman Watripont banged the gavel and stated to stay on the topic.

Kenneth Joseph Wacht asked if he could speak.

Chairman Watripont stated this is still a public hearing and open to public discussion. He asked if there was anyone else wishing to speak. He asked Mr. Wacht to step to the side.

Dominic Prano, 8343 Christine, appeared before the Board and stated he is the second neighbor from Kenneth. The fence is rather high but he seems to want to do everything his way all of the time. Since he moved in 1983 there was no doubt they do not get along, 2015 they do not get along; he wants to run his own little world over there. It is up to the Board whether they think it looks good. He means the gate that he (referring to Mr. Wacht) has across the driveway is ridiculous, along with impound all the way around. That is all he has to say.

Chairman Watripont thanked Mr. Prano and asked if there was anyone else wishing to speak on this item. Hearing and seeing none, he turned the matter over to the Board.

Kenneth Joseph Wacht stated when he gets to reply with the…

Chairman Watripont stated the Board will ask him the questions directly.

Board Member Descamps directed a question to Mr. Murphy, asked if a permit was pulled for the fence.

Everett Murphy, Zoning Inspector stated no permit.

Board Member Descamps asked Mr. Murphy if the fence is constructed to the good side out or the good side in.

APPROVED

Everett Murphy, Zoning Inspector stated it is not. It is not even standard construction but as far as the post, the posts are to the outside where they should be on the inside; essentially the bad side is towards the neighbors.

Board Member Descamps stated okay, he just wanted a confirmation and thanked Mr. Murphy.

Chairman Watripont stated to Board Member Pauta that if she has anything to state, it should be stated on the record.

Board Member Becher stated she would like to ask Mr. Everett what the height of a residential fence can be; a privacy fence, what is the height.

Everett Murphy, Zoning Inspector stated the ordinance whether it is a privacy fence or not, the maximum is six (6)' feet.

Board Member Becher stated that was what she thought but she just wanted him to verify it for her. She asked if there was a permit pulled for his shed.

Everett Murphy, Zoning Inspector stated he does not believe so, also they have asked him if he gets the permit… he would not be over the maximum allowed size, but it is too far from the garage, it was actually constructed in the rear easement and they did not see a reason that he could not move that all the way up to the back of the garage where it should be and then they could give him a permit for that shed.

Board Member Becher asked that he did not pull a permit for the fence either.

Everett Murphy, Zoning Inspector stated no permit for the fence.

Board Member Becher asked and is the shed on a ratwall and slab?

Everett Murphy, Zoning Inspector stated without inspections they do not know that.

Board Member Becher thanked Mr. Murphy and stated that she did go by and see this property and if he was her neighbor she would be very upset with that fence. If she was the neighbors on three sides of him, it is like he is thumbing his nose at them and she is definitely against his fence.

Board Member S. Brasza stated to the Petitioner, he does not have a permit for his shed?

Kenneth Joseph Wacht stated as he had said, when he had it built eighteen (18) to twenty (20) years ago when the white City Hall, before the new one, they told him he

APPROVED

did not need a permit; they just told him to be six (6)' foot from the power lines. As a matter of fact the Prano's their shed is illegal.

Board Member S. Brasza stated they are talking about him and to let her ask her question. How far is he from the power lines right now?

Kenneth Joseph Wacht stated six (6) foot.

Board Member S. Brasza stated well back when the white building was the City Hall; it still was the same zoning as it is today, number one…

Kenneth Joseph Wacht stated oh, okay. Well he just told him…

Board Member S. Brasza stated number two, to his good fortune, the ordinance has just changed to where he is allowed a six (6)' foot fence, but not an eight (8)' foot so and so and that ordinance in regards to fencing, also states that the pretty side goes towards his neighbors.

Kenneth Joseph Wacht stated as he had said, they did not say that when he was building it. When he went to City Hall to ask about a permit for the fence, they told him he did not need a permit for the fence. He knows he went a little higher.

Board Member S. Brasza stated well number one, they would not have said he would not need a permit for a fence being that he constructed it; did he construct it at a different height at that time?

Kenneth Joseph Wacht stated yes, it is little higher than it should have been too.

Board Member S. Brasza asked and then how did it get higher?

Kenneth Joseph Wacht stated as he had said, these balls are always coming into his yard and he is sick of them coming into his yard; they just throw the balls intentionally because he has a pond in his backyard and these kids are just coming into the yard.

Board Member S. Brasza stated she is more concerned with the fence itself. How did it get higher? Did he add to…?

Kenneth Joseph Wacht stated yeah, he added to it.

Board Member S. Brasza asked if he had spoken to the City at that time.

Kenneth Joseph Wacht stated no.

Board Member S. Brasza stated okay. She asked him if he has a pad on his shed at this time. Is there a ratwall? Cement padding?

APPROVED

Kenneth Joseph Wacht stated they did not say neither one back then but Jeff said he put one on—Jeff Blanchard.

Board Member S. Brasza asked so he does not have one now?

Kenneth Joseph Wacht stated yes, he does have a ratwall; he had told him he put a ratwall on there, it is on a slab.

Board Member S. Brasza asked his shed right now is on a slab with a ratwall, so if he were to get a permit, it would be inspected and passed?

Kenneth Joseph Wacht stated yes.

Board Member S. Brasza thanked Mr. Wacht.

Board Member Pauta stated that it was unfortunate for him that somewhere along the line he got the wrong information or misinterpreted it because forever that she could ever remember, you needed a permit for a shed and a fence both; yes you did. Her suggestion is that they cannot approve this, she means she cannot approve this the way it is and she would suggest that he speaks with Everett and get the proper instructions, because as long as she could remember, they needed permits for that. She is sorry.

Motion:
Board Member Pauta made the motion to deny the petitioner's request to:
1. Construct/retain the shed in addition to an existing detached garage.
2. Retain a privacy fence over six (6)' feet in height and the good side must be facing the neighbor. There is no doubt about it.

Reason being: The original items were constructed without a permit, they are not to Code at all and he does have to speak to Everett. Hardship is self imposed and it is a detriment to the area.

Board Member Descamps supported the motion.

Chairman Watripont stated he has a motion by Board Member Pauta, Support by Board Member Descamps to deny the petition, reasons being: Detriment to the area, self imposed and not necessary to maintain his home. So a yes vote is to deny. He called for Roll Call.

Roll Call:
A roll call was taken on the motion to deny and the motion carried (8-1).

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

APPROVED

Board Member S. Brasza	Yes to deny.
Secretary Nestorowicz	Yes to deny.
Board Member Vigus	Yes to deny.
Board Member Furgal	No
Board Member Becher	Yes to deny.
Board Member H. Brasza	Yes to deny.
Chairman Watripont	Yes to deny. Personally, he is not opposed to the placement of the shed; the fence with it growing and growing, he is going to have to say, yes, because he believes that is a burden put on the neighbors.

The Petitioner's request has been **DENIED.**

9. PUBLIC HEARING **APPLICANT: Mr. Nick Lavdas**
REPRESENTATIVE: Ms. Stephanie Turberville
COMMON DESCRIPTION: 7635 Eight Mile & 7657 Eight Mile, Rivard
LEGAL DESCRIPTION: 13-33-479-047 & 038
ZONE: C-2

VARIANCES REQUESTED: Permission to
1. Conduct a seasonal outdoor sales operation in the front 15' setback, 11' x 22.73' (250 sq. ft.) area, including a 10' x 10' = 100 sq. ft. tent and outdoor display area 10' x 15' = 150 sq. ft. (TOTAL 250 sq. ft.); May 1, 2015 through October 31, 2015. Hours of operation will be limited to match hours of operation and limited to display only. As per the plan.
2. The goods to be displayed are from 7657 Eight Mile, 8 Mile Pawnbrokers.

ORDINANCES and REQUIREMENTS:
Section 14.06 Front yard for commercial buildings: A front yard set back of fifteen (15) feet shall be provided for commercial buildings….
Section 4.52 Standards for temporary outdoor retail sales Paragraph (c): The proposed sale must be located within any required setback of the applicable zoning district.
Section 4.53 Regulations for outdoor sales Paragraph (c): No sales or display of merchandise shall be permitted in the public right-of-way or any required setback.

Chairman Watripont asked the individual at the podium to state her name and address for the record.

APPROVED

Stephanie Turberville, 7664 Rivard, appeared before the Board.

Chairman Watripont asked for the reason for her petition.

Stephanie Turberville stated they would like to do sales on the outer side of the building on Eight Mile just from the edge of the parking lot to the sidewalk to promote their business and to bring more people in. They have done this for the past years as well too.

Chairman Watripont stated this is a public hearing, anyone wishing to speak on this matter.

Joseph Hunt, 8306 Stanley, Warren, stated he has been all around the City and he always likes to see the businesses in the south end of the city thrive and be given every opportunity to exceed and excel and draw people into the city. He believes he spoke on this one at the Planning Commission many moons ago and was in favor of it then, basically because Mr. Lavdas does a lot of great things in the city; he is always supportive of anything that he is involved in and so therefore, he would ask that the Board grants the variances for the petitioner.

Chairman Watripont stated hearing and seeing no one else, he turns the matter over to the Board.

Board Member Vigus stated to the Petitioner. She is looking at their variances that were approved in the past years and she is noticing that there are some slight differences; in the past variances they have given them hours of operation, this time they are stating to the Board hours of operation will be limited to match hours of operation and limited to display only; could she narrow that down for the Board?

Stephanie Turberville stated yes, their hours of operation for the pawn shop themselves are 9:00 to 6:00, Monday through Wednesday and 9:00 to 7:00 Thursday and Friday; so they would only be outside from about 10:00 to 5:00 Monday through Wednesday and about 10:00 to 6:00 Thursdays and Fridays and then Saturdays, they are only open from 10:00 to 3:00, so they would only be outside from about 11:00 to 2:00.

Board Member Vigus stated okay and she is noticing also that last year, the year before, they were running this from June 1st to October 31st and they are asking for May 1st this year?

Stephanie Turberville stated Nick just wanted to get them out there a little bit earlier to bring in some more sales a little bit earlier in the season and that is why they are asking for May 1st.

Board Member Vigus asked if they were out there now.

APPROVED

Stephanie Turberville stated no, they are not out there yet because of past years they have learned that they should wait until they could get approved to go outside, so they did not want to start doing anything until she got the approval.

Chairman Watripont and Board Member Vigus stated very good.

Board Member Vigus asked if she could tell her if the point of sale actually happens outside or if they are purchasing inside.

Stephanie Turberville stated they are purchasing inside. From previous years the customers see them on the streets, a lot of the times they do not even know that they are there, so by them going outside brings more people into the business, so they go outside, they see the items that they like, then a salesman will come inside with them and they will make their deals and any cash exchange is done inside.

Board Member Vigus stated just to confirm is it fair to say that they are looking for hours of operation Monday through Friday from 10:00 to 6:00 and Saturday from 11:00 to 2:00.

Stephanie Turberville stated yes.

Board Member Vigus thanked the petitioner and asked Board Members if there was any other discussion?

Motion:
Board Member Vigus made the motion to approve the variance request to:

1. Conduct a seasonal outdoor sales operation in the front 15' setback, 11' x 22.73' (250 sq. ft.) area, including a 10' x 10' = 1000 sq. ft. tent and outdoor display area 10' x 15' = 150 sq. ft. (TOTAL 250 sq. ft.); May 1, 2015 through October 31, 2015. Hours of operation as indicated will be Monday through Friday 10:00 to 6:00 and Saturday 11:00 to 2:00.
2. The goods to be displayed are from 7657 Eight Mile, 8 Mile Pawnbrokers.

(The 10' x 10' = 1000 sq. ft., should have been stated as 10' x 10' = 100 sq. ft. as it was later corrected by Board Member S. Brasza)

Board Member Descamps supported the motion.

Chairman Watripont stated he has a motion by Board Member Vigus, Support by Board Member Descamps, with the hours stated. No other change to the variance. He called for Roll Call.

Board Member Vigus stated she did not give her reasons and apologized.

Reason being: Not a detriment to the area, needs approval of the Board.

Roll Call:

APPROVED

A roll call was taken on the motion to approve and the motion carried (8-1).

Board Member Vigus	Yes, for the reasons stated in the motion.
Board Member Descamps	Yes, for the corrected Motion.
Board Member S. Brasza	Yes, for the reasons stated in the motion and a correction on that 10'x10', it is **a 100' sq. ft.**
Board Member Furgal	No, she believes it is detrimental to the area.
Board Member Becher	Yes, as stated in the motion and she must say that the property looked a lot cleaner this time.
Board Member Pauta	Yes, for the reasons stated in the motion.
Board Member H. Brasza	Yes, for the reasons stated in the motion.
Secretary Nestorowicz	Yes, for the reasons stated in the motion.
Chairman Watripont	Yes for reasons stated in the motion, and if they are going to move up the time, try to get the request in a lot sooner so they are not bound by these dates and have to wait.

The Petitioner's request was **GRANTED.**

10. PUBLIC HEARING **APPLICANT: Mr. Michael Weigand-USE-**
REPRESENTATIVE: Mr. Robert J. Tobin
COMMON DESCRIPTION: 31630 Davy
LEGAL DESCRIPTION: 13-04-327-009
ZONE: R-1-C

VARIANCES REQUESTED: Permission to-USE-

1. Construct a parking lot on an R-1-C parcel for employee parking as per the plan.
2. Waive the required wall and allow a five (5) foot greenbelt along the north property line.
3. Allow hard surfacing for parking to no less than nineteen (19) feet of the front property line on Davy.

ORDINANCES and REQUIREMENTS:

Section 7.01 Uses in R-1-C: Parking lot is not a permitted use in R-1-C.

Section 16.06 (a): When such parking area boundary adjoins property zoned for any residential use, an eight (8) foot wide greenbelt shall be provided.

Section 2.26 (a): Eight (8) foot greenbelt and plantings… A decorative masonry wall not more than six (6) feet in height and lot less than eight (8) inches in thickness may be substituted for the required greenbelt.

Section 7.05 Front Yard in R-1-C: Front yard setback shall be not less than twenty-five (25) feet.

APPROVED

Chairman Watripont asked the individual at the podium to state his name and address for the record and the reason for his petition.

Robert Tobin, 2201 Twelve Mile Road, Warren, MI appeared before the Board and stated the owner has an existing three-story building on Chicago Road that has 5,200 sq. ft. of commercial space. There is a serious need for additional parking for the employees of this commercial space to free up the parking spaces needed for customer parking to make the commercial area more viable in this 5,500 sq. ft. commercial area on the larger building on Chicago Road and there is no parking on Chicago Road that was what initiated this whole project. The owner had a small vacant lot of 50' x 145' on Davy Street next to his property to the north; this could provide eleven (11) parking spaces for these employees and provide the needed additional customer spaces. The proposed lot is in a historic district; they have attended the Warren Historical Commission formal meeting to receive their approval for a parking lot in an R-1-C Zone and it was approved October 7, 2014. They have also attended the Planning Commission Meeting and obtained their site plan approval; that was on December 8, 2014. Along with these approvals they therefore request permission of this board to obtain a use variance to provide employees parking in an R-1-C zone. They are also required to provide a six (6) foot concrete wall along the neighbor's property to the north. This proposed wall would be nine feet (9') from the house owner's windows on the side of his building. If the Board could see in their plans, he could show them in his plan how it works. Upon examining this situation, they are proposing to provide a six foot (6') greenbelt, which would contain twenty-five (25), five foot (5') high arborvitae bushes, and five feet (5') on center for a continuous wall of shrubbery. The greenbelt would have a water Franklin system and be maintained by the owner of the parking lot to trim and replace bushes if necessary over the years. They believe this is a more pleasant solution for screening rather than having to face a six foot (6') concrete wall only nine feet (9') away from your dining room window or whatever. They have designed the proposed parking lot with parking spaces along the south side facing the rear of the existing medical clinic zoned P-B, to provide minimum exposure for the neighbor. Special decorative lighting will be provided and will be properly shielded but property will be well kept as evidence with the owner's three-story building on Chicago Road. They therefore request permission to obtain a use variance to provide employees parking in an R-1-C zone, permission to waive a six foot (6') concrete wall along a one hundred twenty-two linear feet (122') of the north property line with a continuous roll of five foot (5') high shrubbery and they request permission to allow hard surfacing for parking no less than nineteen feet (19') of the front property line on Davy. Their hardships: Granting this variance will not impair the adequate supply of light and air to the adjacent properties. It will provide a minimum use—that really is what it is—it is a minimum use of this vacant parcel—it is very small, they only have eleven (11) spaces; so it is a minimal use of this parcel and it will not cause public safety concerns in the neighborhood. The small size and shape of the existing three-story office building parking lot required them to provide additional parking spaces in this adjacent 50' x 145' foot lot to allow sufficient parking spaces for the commercial tenants. Now he

APPROVED

will ask the owner Mr. Weigand to come and explain to the Board exactly what caused them to initiate this project. He introduced Mr. Weigand.

Michael Weigand, 6213 Chicago Road, Warren, appeared before the Board and stated his commercial dentist in the building is having parking trouble, so if they could establish on the existing lot employee parking for the dental assistants it would greatly help out his tenants and he does reside on the property, so he is very concerned with keeping the statics of the neighborhood up—it is his neighborhood as well. Even when speaking to the Historical Society, he is adding one of the antique lamp post and even putting flower pot out to mimic what the city has done in the area.

Robert Tobin (explaining his presentation before the Board) stated this is the park that they are talking about… (Voice moving far)

Chairman Watripont asked Mr. Tobin to speak in the Microphone.

Robert Tobin apologized and stated he was trying to explain a little bit better by showing the Board what is happening here (referring to his presentation). This is the fifty-five hundred (5500) square feet of commercial parking space in his existing three-story building. They only have nineteen (19) spaces here to support that. As a result what they wanted to do, there were eleven employees parking here, they want to get those eleven (11) employees and put them over here in a private parking area so that that could free up more commercial space for the fifty-five hundred (5500) square feet of commercial space. That is really the initial reason; the size and shape of this additional lot was too small to support the parking required for commercial space.

Chairman Watripont asked if there was anything else to add. He stated this is a public hearing, anyone wishing to speak on this item.

Joseph Hunt, 8306 Stanley, Warren stated he is a homeowner and taxpayer here in the City of Warren. He is not too certain if the Zoning Board of Appeals gets the Planning Commission meeting minutes, but the Planning Commission meeting minutes are pretty detailed and specifically he spoke in favor of this project, number one because of the investment in the area, number two because it is the gateway to the Old Village District, he believes the building is fantastic, it is like the rejuvenation project of the Old Village District. He is very impressed that they went on October 7, 2014 to the Old Village District Commission and got permission to put a parking lot in an R-1-C and he has to applaud Mr. Weigand for buying the piece of property and using it in a residential neighborhood. Basically, one of the things that he was impressed with and brought up at the Planning Commission meeting cause he spent so much time reading the 1966 Master Plan in the 1989 comprehensive update, is that in page 25 of the comprehensive update, it said that future proposed usage of residential commercial neighborhood, should consider the use of a greenbelt instead of putting up—in his words—an ugly fence. So basically he thinks this is a fantastic

APPROVED

project, great investment, great area, everybody approves of it including himself. He thanked the Board.

Chairman Watripont stated hearing and seeing no one else, he turns this matter over to the Board.

Board Member Furgal asked the petitioner how he got such a small number of parking spaces into this project to start with and obviously it has insufficient parking?

Robert Tobin asked how the original P.U.D. came about.

Board Member Furgal stated yes.

Robert Tobin stated he guesses they have to go back many years on that he is not sure he was not available at that time to understand; he was not the architect at the time. How it got approved? It got approved because it was…

Board Member Furgal stated because she could see there were no zoning variances.

Michael Weigand stated no, because it is a P.U.D.

Robert Tobin stated that was what happened.

Board Member Furgal stated okay; she just wanted to point out that that was the reason they have ordinances.

Board Member H. Brasza asked if the petitioner had put in motion to combine this lot with the rest of the property so it would be one lot and they are not just putting parking spaces on an empty lot; has that process started?

Robert Tobin apologized and stated to Board Member H. Brasza that he was sorry; he did not hear the question.

(Michael Weigand reinstated the question to Mr. Tobin in a low voice).

Robert Tobin stated oh, why they are not combining; because they had spent a considerable time with the Legal Department about making this a P.U.D. and the Legal Department said they could indeed—after a year of waiting and working with them—they could indeed lease this lot to the P.U.D. instead of making it part of the P.U.D., which is very complicated to combine this lot with a P.U.D. so the Legal Department allowed them to lease this property to the P.U.D.

Board Member H. Brasza stated at least they have made the attempt to address that issue because he just does not feel real comfortable putting a parking lot on an empty lot and approving that, but other than that, he has no other comment.

APPROVED

Chairman Watripont stated he agrees with Board Member H. Brasza. He asked the petitioner of how long the lease is for the parking?

Robert Tobin stated fifty (50) years.
Chairman Watripont thanked Mr. Tobin.

Robert Tobin stated he thinks that would take care of it. (Laughter)

Board Member S. Brasza stated she could only state that the P.U.D. area is gorgeous and their other properties are gorgeous. Place making is all about residential and commercial within the same facility and as was stated from the audience member, having that greenbelt instead of a wall is so much more attractive and that area is in itself historic. To her it is a win win and she is going to approve it and thanked the petitioner.

Board Member Vigus asked the petitioner if there was a reason why they decided on a five foot (5') greenbelt instead of the eight foot (8') greenbelt indicated in this section.

Robert Tobin stated the lot is only fifty feet (50') wide, so by the time they get their parking in there and the twenty-two foot (22') drive, all they had left was six feet (6').

Board Member Vigus stated okay and thanked the petitioner.

Chairman Watripont asked the petitioner if he owned both of those properties, they are separate properties?

Robert Tobin stated yes he does.

Chairman Watripont stated and the main reason for the parking is for the one on Chicago towards Eckstein, correct?

Robert Tobin stated yes.

Chairman Watripont stated and if the 6201 medical building, if they needed additional parking it was possible that that could be imposed there as well?

Robert Tobin stated he does not think no; the medical building has its own parking lot.

Chairman Watripont asked that medical building is not his, right?

Michael Weigand stated no.

APPROVED

Chairman Watripont stated just the one. It is the two properties that are adjacent by that small parcel in the back.

Michael Weigand stated he does not own the Chiropractor Clinic.

Chairman Watripont stated okay.

Robert Tobin stated the Medical Building has its essential P.D.

Chairman Watripont stated okay, he was just looking at the entire plan and it looked like that was part of it but he sees the lines now on his drawing.

Board Member Descamps stated having driven by that property for years since it has been constructed it is a gorgeous piece of property and they love the way it lays in the City and it blends in to the residential area, which is what they would like to see and if there was no other discussion he would like to make his motion.

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

1. Construct a parking lot on an R-1-C parcel for employee parking as per the plan.
2. Waive the required wall and allow a five (5) foot greenbelt along the north property line, per the plan laid out with the bushes.
3. Allow hard surfacing for parking to no less than nineteen (19) feet of the front property line on Davy.

Reason being: Not a detriment to the area, size and shape of the lot and needs approval of the Board.

Board Member H. Brasza supported the motion.
Chairman Watripont stated he has a motion by Board Member Descamps, Support by Board Member H. Brasza. He called for Roll Call.

Roll Call:
A roll call was taken on the motion to approve and the motion carried (7-2).

Board Member Descamps	Yes, for the reasons stated in the motion.
Board Member H. Brasza	Yes, for the reasons stated in the motion.
Board Member Furgal	No, she believes the property could be used as zoned.
Board Member Becher	Yes, she approves this property; she passes the place all of the time; it is gorgeous, even his other parking lot is gorgeous.
Secretary Nestorowicz	No; he loves the main property, but he is not wild about parking alone on an R-1-C Zone.

APPROVED

Board Member Pauta	Yes, for the reasons stated in the motion.
Board Member S. Brasza	Yes, for the reasons stated in the motion.
Board Member Vigus	Yes, for the reasons stated in the motion.
Chairman Watripont	Yes, for the reasons stated in the motion.

The Petitioner's request was **GRANTED.**

11. PUBLIC HEARING **APPLICANT: Wojtuniechi Real Estate Holdings, LLC**
REPRESENTATIVE: Tim Storey/Storey Engineering Group, LLC
COMMON DESCRIPTION: 24649 Mound Road
LEGAL DESCRIPTION: 13-29-228-022
ZONE: M-2

VARIANCES REQUESTED: Permission to

1. Retain hard surfacing to no less than 3.25' of the front (Mound) property for parking as per the plan.
2. Allow parking of truck/trailers on gravel lot as per the plan.

ORDINANCES and REQUIREMENTS:

Section 17.02 Paragraph (a): Industrial Standards. Front yards. In an M-2 zone where a front yard has been established by the majority of the existing buildings in a block, all buildings hereinafter erected or altered shall conform to the building line thus established, provided no building in an M-2 zone shall be required to set back further than fifty (50) feet. Provided, further, however, notwithstanding any provisions to the contrary, in M-2 zones, yards fronting on a major thoroughfare as defined by the Master Thoroughfare Plan for the City of Warren or front yards facing a residential district shall be fifty (50) feet.

Section 4.32 (k): All off-street parking shall be provided with adequate ingress and egress, shall be hard surfaced with concrete or plant-mixed bituminous material (base may be stabilized gravel or equivalent) shall be maintained in a usable dust-proof condition, shall be graded and drained to dispose of all surface water, provided protective bumper curbs…

Chairman Watripont asked the individual at the podium to state his name and address for the record and the reason for his petition.

Tim Storey, Storey Engineering Group, 48264 Manchester, Macomb Township, appeared before the Board and stated he is representing Wojtuniechi Real Estate, who owns the property at 24649 Mound Road.

Chairman Watripont asked the reason for his petition.

Tim Storey stated the reason for the petition is to request two (2) variances that the Board indicated earlier. The site is zoned M-2, approximately two (2) acres. There is a nineteen thousand (19,000) square foot industrial building located on the property. The two (2) variances are, one: They are asking for the front parking that is there

APPROVED

requires a variance to allow parking to within 3.25 feet of the front lot line; and then the second variance that they are requesting is to allow parking of trailers in the rear on a gravel surface at the rear of the industrial property.

Chairman Watripont stated this is a public hearing, anyone wishing to speak on this item to approach the podium.

(An individual stepped and stated) What they are being asked to do here is basically approve items that were disapproved several years ago. The parking of the semis was approved several years ago as employee vehicle parking…
Chairman Watripont asked the individual at the podium to state his name and address.

Tom Wells, 24634 Blackmar, apologized to the Board.

Chairman Watripont thanked Mr. Wells.

Tom Wells stated again, the activity as far as expanding this lot actually started on 8/1/2012, it came through the Planning Department, their offices there and again basically it was approved for the parking of employee non-commercial vehicles on that property that extends into the field behind his original property line. The Board is being asked to approve things that have been denied in the past. Part of the approval process before, required that a fabric visual barrier was going to be established on the fence. The fencing is still open to the south east property line and there are still questions about the drainage. A retention pond was filled in previous to August 12th. Again like he said, the items that are being requested here tonight are things that were not approved but they are being done anyways. He thanked the Board.

Chairman Watripont stated hearing and seeing no one else, he turns the matter over to the Board.

Board Member Becher stated when she went to look at this property the other day, they do have tractor trailers—tractors and their trailers parked in the back on the gravel where they are requesting to park them and the front of their lot is paved and then as she is looking at this, it was ratting around in her head that this piece of property had been before the Board before and checking the paperwork she had nothing from the office stating that they had been before the Board before, but their address, there is two other addresses attached to the building in front because there are other businesses, so she is wondering if these other requests were down under another address from 2012. Would Everett be able to tell the Board that?

Chairman Watripont stated he probably would not be able to tell the Board that right now, but he could ask.

Board Member Becher stated yes, because…

APPROVED

Chairman Watripont to Everett Murphy stated he helped him out a little there (laughter).

Everett Murphy, Zoning Inspector stated to Chairman Watripont that he was correct. He stated he does not have a computer with him with their BS&A Program, which would give him all those answers. He did not write this one up; Lynn Martin did write this one up. He does believe—off the top of his head—that there was an issue with the paving of the front into the front setback, he thinks the petitioner did get a waiver, but then after that was granted, they sort of expanded it. Now it might have been the previous owner that got that original variance and then when the current owner got it, he thinks he expanded it without realizing that he needed to come to them and…

Board Member Becher stated no, she is speaking of the back of the property, because she remembers having to look at this property before and it was like three (3) years ago.

Everett Murphy, Zoning Inspector stated he has looked at this property a lot. There has been a lot of activity back there over the last few years. He remembers the front with the expansion, which is one of the things he is asking for today. He does not remember—off the top of his head—he was not the one who processed it at that time, nor did he process this one, so he would need to look at the records in total.

Chairman Watripont to Everett stated he does not remember all of that? (Slight laughter)

Board Member Becher stated two-thirds of their lot is paved and they have drainage and sewage in there, but there is nothing on the back and they have these tractor trailers parked back there…

Everett Murphy, Zoning Inspector stated he has many of them.

Board Member Becher stated and when she was there, they actually had the tractor flipped up and they were working on the engine, so where is the separators and everything and has engineering looked at this? That would be another question she has.

Everett Murphy, Zoning Inspector stated if he went in front of the Planning Commission, then the Planning Commission would have sent a copy of the site plan that he submitted to engineering to review and they would have given their recommendations to the Planning Commission. He would have to believe that if he did go through the site plan process, that engineering is aware of it.

Board Member Becher stated because they were working on tractors last Saturday.

Everett Murphy, Zoning Inspector stated he does not know what they are doing; obviously if something breaks and it is in place they might have to fix it but as much as

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he has been over to the property for various reasons, he has never known them to make a habit out of repairing the tractors in the back and he is not saying that they do not, he is just saying that he is not aware of it if they have.

Board Member Becher thanked Mr. Murphy and stated those were her questions and it just kept rattling in her head that the Board has done something on it in the past and now she feels like they did it under another address at one time or something.

Secretary Nestorowicz stated he was just wondering because he knows that it mentions previous variances but the Board does not have a copy of them; would it make a wise thing to maybe make a motion to reschedule this for a month so therefore, Everett and the office could get the background as to what were the previous variances, so the Board could compare it.

Everett Murphy, Zoning Inspector stated any previous variances should have been in that packet.

Chairman Watripont stated and they have none at this point and time.

Tim Storey stated there was one previous variance for the front parking in 2003, to allow parking to within twenty-two (22) feet of the front lot line.

Chairman Watripont stated the Board does not have any copies of that and everything else and with the concerns from the neighbor and everything else, he would like to see what has been approved, what has been denied, before he makes a vote and they do have a motion to reschedule.

Tim Storey stated if he may though, he would like to speak to Board Member Becher's question about the previous site plan.

Chairman Watripont stated he will allow him to do that in one moment. He asked Secretary Nestorowicz if the Board has a date.

Secretary Nestorowicz stated the Board has June 10th.

Chairman Watripont asked if June 10th…

Secretary Nestorowicz asked if that was good for everybody; if it was good for Everett and the office.

Chairman Watripont stated he said he would like to, so he is talking about it.

Everett Murphy, Zoning Inspector apologized and asked what the question was?

APPROVED

Chairman Watripont stated he would be able to get the stuff to the Board by their next meeting, would he not?

Everett Murphy, Zoning Inspector stated absolutely!

Secretary Nestorowicz stated June 10th.

Chairman Watripont stated before the June 10th meeting?

Everett Murphy, Zoning Inspector stated that would not be a problem.

Chairman Watripont asked Mr. Storey if that works with him?

Tim Storey stated yes.

Chairman Watripont stated okay, before they make a motion on that item, he will allow Mr. Storey…

Everett Murphy, Zoning Inspector stated he has those in his packet.

Chairman Watripont asked the variances? None of the Board Members have it. He figured he was the only one missing it and then.

Everett Murphy, Zoning Inspector stated yes, he is looking at it right now. Lynn Martin put it together, he does have a copy two separate ones actually for 24649 Mound, April 9, 2003 and another one for June 12, 2013; so unfortunately it appears that somewhere between their office and the Board's office it did not get there.

Chairman Watripont stated to Everett to make sure he has it so he does not have to dig anything up, so that is the good part. He called on Mr. Storey to address Board Member Becher.

Tim Storey stated yes. He just wanted to explain and he was not involved in the previous, he was recently hired within the last year by Mr. Wojtuniechi; however, he did see the plans that they had brought forth previously. He also owns (referring to his presentation)—right here is the rear property line. Mr. Wojtuniechi also owns the property behind here and then on the other side of that, there is the residential area where the other gentleman lives; he is not sure exactly where his house is here; however, that previous plan was proposing to put parking back here and expand and develop a large area in the rear here as well as paving essentially all this area. That has been scaled back so that although he still owns the property to the rear, the Applicant is not proposing to do any work back there at this time. He is simply asking to store his trailers on the gravel area here, which he understands would require a variance and then for the parking issue up front.

APPROVED

Chairman Watripont thanked Mr. Storey and asked Board Members if there is a motion to reschedule?

Motion:
Board Member Becher made the motion to **reschedule to June 10th**. Board Member Pauta supported the motion.

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

Chairman Watripont stated to Mr. Storey that his item has been rescheduled. He stated anyone wishing to speak on that item may attend that meeting as well.

12. PUBLIC HEARING **APPLICANT: Robert Naeyaet / Lunar Garages & Modernization**

REPRESENTATIVE:	Same as above.
COMMON DESCRIPTION:	7520 Prospect
LEGAL DESCRIPTION:	13-33-429-061
ZONE:	R-1-C

VARIANCES REQUESTED: Permission to
Expand an existing non-conforming residential dwelling by tearing down the existing attached garage and building a detached garage 24' x 24' = 576 sq. ft. in front of the dwelling as per the plans.
ORDINANCES and REQUIREMENTS:
Section 4.17 Paragraph (a): ***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 use 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.
Section 7.08: Each lot in R-1-C Districts shall have a rear yard of not less than thirty-five (35) feet.
Chairman Watripont asked the individual at the podium to state his name and address for the record.

Robert Naeyaet, 13491 E. 8 Mile Road, Warren, Michigan 48089, appeared before the Board and stated they are looking for a variance to build a 24' x 24' garage in the front yard due to that the house is built on the back of the lot. There is an attached garage right now—that is not so special—but anyhow, they are going to tear that down and get rid of that. They will be maintaining the one section 7.08 says they have thirty-five (35) feet from the back, so the back of the garage will be more than thirty-five (35) feet from the back lot line, even though it does have very vacated alley, but it is from the original back lot line. It will allow them to have a 30' x 35' side backyard—if that makes any sense—rather than having their whole yard in front of their house. The hardship is fact that it is a non-conforming house—it was built be-

APPROVED

fore the zoning was there—he would imagine—and so they are looking to build a 24' x 24' garage under 600' square feet in the front yard. He thanked the Board.

Chairman Watripont stated this is a public hearing, anyone wishing to speak on this item? Hearing and seeing none, he turns the matter over to the Board.

Board Member Becher stated she went and looked at this property and this man has no place else to put his garage and it looked to her like he has children and he needs some place to put his car and all those bicycles and he has no other alternative than to do it like this and they are taking down the attached garage?

Robert Naeyaet stated that was correct.

Board Member Becher stated so, in the future if they wanted to expand on their home they will be able to and he is going to put the door in the front of the garage?

Robert Naeyaet stated that was correct.

Board Member Becher stated and he is going to pour a new driveway?

Robert Naeyaet stated yes; a new driveway, new concrete pad; the whole nine yards.

Board Member Becher thanked Mr. Naeyaet and asked if any other Board Members had any questions. At this time she would like to make her motion.

Motion:
Board Member Becher made the motion to approve the petitioner's request to:
Expand an existing non-conforming residential dwelling by tearing down the existing attached garage and building a detached garage 24' x 24' = 576 sq. ft. in front of the dwelling as per the plans.

Reason being: Not a detriment to the area and size and shape of the lot.

Board Member H. Brasza supported the motion.
Chairman Watripont stated he has a motion by Board Member Becher, Support by Board Member H. Brasza, in favor of the item as written. He called for Roll Call.

Roll Call:
A roll call was taken on the motion to approve and the motion carried (9-0).

Board Member Becher	Yes, for the reasons stated in the motion.
Board Member H. Brasza	Yes, for the reasons stated in the motion.
Board Member Pauta	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.

APPROVED

Board Member Vigus	Yes, for the reasons stated in the motion.
Board Member Descamps	Yes, for the reasons stated in the motion.
Secretary Nestorowicz	Yes, for the reasons stated in the motion.
Board Member S. Brasza	Yes, for the reasons stated in the motion.
Chairman Watripont	Yes, for the reasons stated in the motion.

The Petitioner's request was **GRANTED.**

13a. PUBLIC HEARING	**APPLICANT: Groesbeck Land Company LLC**
REPRESENTATIVE:	George A. Sumnik, Esq. / Jaffe, Raitt, Heuer & Weiss PC
COMMON DESCRIPTION:	21001 & 21033 Groesbeck Hwy
LEGAL DESCRIPTION:	13-35-352-008 and 13-35-352-009
ZONE:	M-2

VARIANCES REQUESTED: Permission to

1. Continue a commercial building to no less than 39' of the front property line, to the south property line and hard surfacing to the front property line for parking.
2. Waive 87,607.05 sq. ft. of required parking spaces for warehouse.

ORDINANCES and REQUIREMENTS:

Section 17.02 Paragraph (a): Industrial Standards. Front yards. In an M-2 zone where a front yard has been established by the majority of the existing buildings in a block, all buildings hereinafter erected or altered shall conform to the building line thus established, provided no building in an M-2 zone shall be required to set back further than fifty (50) feet. Provided, further, however, notwithstanding any provisions to the contrary, in M-2 zones, yards fronting on a major thoroughfare as defined by the Master Thoroughfare Plan for the City of Warren or front yards facing a residential district shall be fifty (50) feet.

Section 17.02 Paragraph (b): Side setback in M-2 twenty (20) feet.

Section 4.32 (h)(22): Warehouse parking, one square foot of parking for each sq. ft. of building.

Section 4.17 (a): 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,… provided that the building or use thereof shall not be structurally changed, altered or enlarged.

Chairman Watripont asked the individual at the podium to state his name and address for the record?

George Sumnik appeared before the Board and stated he represents the Land Owner in this matter. He would like to present his position with respect to both **13a** and **13b**; they are contiguous properties. This relates to a, lot-split that his client and their engineers have been working on with the City of Warren. If the Board does not mind, he will just present one argument; it will be the same for both **13a** and **13b.** This property is located in a very unique place in Warren, located at Eight Mile and

APPROVED

Groesbeck. He knows the area very well because two-thirds of his life, he lived at Mound and Eight Mile and then at Sherwood and Eight Mile, so he knows this area very well. The property they are dealing with here is sandwiched between the railroad tracks as well as Groesbeck with both go on the angle there. The buildings on this property have been sitting there for thirty (30+) plus years. It is a very unique property and obviously the issues that his client is facing right now relates to the unique nature of the property. The strict compliance and they are requesting setback variances—these are non-use variances—they are requesting setback variances and parking variances because really nothing more can be done with respect with these properties to accommodate the current provisions of the city's zoning ordinances to make this any different today in 2015.
Strict compliance with the setback requirements, require the removal and reconstructions of portion of each of the buildings even if that were possible with the large size of these buildings and the fact that these buildings have been built more than thirty (30) years ago. There is an irregular shape to this parcel sandwiched between Groesbeck and the railroad tracks and it is just impossible to add any additional land to the property to comply with the setback requirements as well as the parking requirements. Again, these buildings have been in this position for thirty (30+) plus years; there has been no change in the shape and the location of these buildings over than thirty (30) year period; it is really a condition that his client is settled with; now when his client seeks to do the lot split. Property is extremely unique as the Board may know—he suspects that all Board Members have driven by that area of the property—certainly there is no detrimental impact in granting the variance that have been requested there. The parking that exists for both of these buildings has been adequate to accommodate the uses for these buildings for this period of time. In addition, he is not sure whether it was 13a or 13b, there is an adequate reserve area of forty-two thousand (42,000) square feet approximately in the event that there is a need to add some additional parking; they do not perceive that at all because the property has been served by the parking spaces that were in place for thirty (30) years and in place today in the current economy and current environment. So the request is really governed by the needs to create the lot split. Actually it is beneficial not only for his client but probably for the city as well as they will have a new taxable parcel of land in the City of Warren—he is assuming that the property valuation will be taken into effect—and it will add to the city treasury comptroller's as well. For that situation they have requested the variance with respect to both **13a** and **13b.** He thanked the Board.

Chairman Watripont stated this is a public hearing, anyone wishing to speak on this item, to approach the podium. Hearing and seeing none, he turns the matter over to the Board. At this time the Board will only be discussing **13a**, which is 21001 & 21033, the larger buildings.

Board Member Descamps thanked Chairman Watripont for clarifying which one they are going to start with. He asked the petitioner if he could tell the Board what the 21001 and 21033 is being used as now.

APPROVED

George Sumnik stated yes, it is being used for a warehouse facility and he believes that there are several employees that are housed there at this point.

Board Member Descamps stated but there is going to be no more employees hired to need more parking?

George Sumnik apologized to Board Member Descamps for not hearing the question.

Board Member Descamps asked there will not be anymore hiring that he knows of?

George Sumnik stated frankly he does not know that, he believes that it is not anticipated; however, there are certainly additional parking spots as well as additional room in the back of the building in the event that they need to accommodate additional space for employees.

Board Member Descamps thanked Mr. Sumnik.

Board Member Becher stated she would like to make one comment first. She looked at this property the other day; they have barbwire and she looked for all of the other things in there to see what had been passed for and she saw nothing that gave them permission for that barbwire and she checked the businesses around and they did not have barbwire; so would he please take that barbwire down?

George Sumnik stated that he will ask his client to do so.

Board Member Becher thanked Mr. Sumnik and stated because he really does not have permission for it.

George Sumnik stated he will make a note right now and he will convey that to his client.

Board Member S. Brasza asked if this facility is going to be used for retail or wholesale.

George Sumnik stated he does not think it is going to be for retail. The front building is obviously the Gardner White Store.

Board Member S. Brasza stated right, so these two…

George Sumnik stated the smaller building in front.

Board Member S. Brasza stated right but the 21001 and 21033 are not retail?

George Sumnik stated he frankly does not know, but that is his belief.

APPROVED

Board Member S. Brasza thanked Mr. Sumnik and stated this gentleman knows. *(A gentleman walked up to the podium)*

Chairman Watripont asked the individual at the podium to state his name and address for the record.

Safaa Dabish 17011 Abbey Circle, Northville, appeared before the Board and stated that he is the tenant over there and he bought that building.

Chairman Watripont asked Mr. Dabish if he is the tenant.

Safaa Dabish stated yes.

Chairman Watripont stated okay.

Safaa Dabish stated it is a wholesale.

Board Member S. Brasza stated it is a wholesale, wonderful.

Safaa Dabish stated yes and it is open to the public.

George Sumnik apologized and stated that he did not provide his address. His address is 27777 Franklin Road, in Southfield, Michigan.

Board Member Descamps stated okay, if there is no other questions or concerns he would like to make a motion.

Motion:
Board Member Descamps made the motion to approve the petitioner's request to:
1. Continue a commercial building to no less than 39' of the front property line, to the south property line and hard surfacing to the front property line for parking.
2. Waive 87,607.05 sq. ft. of required parking spaces for warehouse.

Reason being: Not a detriment to the area, size and shape of the lot, and needs approval of the Board.

Board Member Pauta supported the motion.

Chairman Watripont stated he has a motion by Board Member Descamps, Support by Board Member Pauta; reason being, not a detriment to the area and size and shape of the lot. He called for Roll Call.

Roll Call:
A roll call was taken on the motion to approve and the motion carried (9-0).

Board Member Descamps Yes, for the reasons stated in the motion.

APPROVED

Board Member Pauta	Yes, for the reasons stated in the motion.
Board Member Vigus	Yes, for the reasons stated in the motion.
Board Member S. Brasza	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Board Member Becher	Yes, for the reasons stated in the motion.
Board Member H. Brasza	Yes, for the reasons stated in the motion.
Secretary Nestorowicz	Yes, for the reasons stated in the motion.
Chairman Watripont	Yes, for the reasons stated in the motion.

The Petitioner's request was **GRANTED.**

George Sumnik thanked the Board and stated that he will convey their comments to his client.

13b. PUBLIC HEARING **APPLICANT: Groesbeck Land Company LLC**
REPRESENTATIVE: George A. Sumnik, Esq. /Jaffe, Raitt, Heuer & Weiss PC
COMMON DESCRIPTION: 20999 Groesbeck Hwy
LEGAL DESCRIPTION: 13-35-352-008
ZONE: M-2

VARIANCES REQUESTED: Permission to

1. Continue a commercial building to no less than 27.90' of the front property line, to the south property line and hard surfacing to the front property line for parking.
2. Waive 25 required parking spaces for furniture store.

ORDINANCES and REQUIREMENTS:

Section 17.02 Paragraph (a): Industrial Standards. Front yards. In an M-2 zone where a front yard has been established by the majority of the existing buildings in a block, all buildings hereinafter erected or altered shall conform to the building line thus established, provided no building in an M-2 zone shall be required to set back further than fifty (50) feet. Provided, further, however, notwithstanding any provisions to the contrary, in M-2 zones, yards fronting on a major thoroughfare as defined by the Master Thoroughfare Plan for the City of Warren or front yards facing a residential district shall be fifty (50) feet.

Section 17.02 Paragraph (b): Side setback in M-2 twenty (20) feet.

Section 4.32 (h)(20): Furniture store parking: One (1) parking space for each five hundred (500) square feet of floor area.

Section 4.17 (a): 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, … provided that the building or use thereof shall not be structurally changed, altered or enlarged.

George Sumnik, 27777 Franklin Road, Southfield, Michigan, appeared before the Board and stated once again he represents the land owner. He presented his presentation with respect to both properties with respect to the last various request.

APPROVED

It is a non-use variance as requested with respect to the setback as well as the parking.

Chairman Watripont stated this is a public hearing, anyone wishing to speak on this item. Hearing and seeing none, he turns the matter over to the Board.

Board Member Pauta stated she thinks the presentation is very clear and she thinks the information that was presented to them is very clear and she thinks that it should be approved because it is not a detriment to the area and size and shape of the lot.

Chairman Watripont asked if that was a motion.

Board Member Pauta stated yes. (Slight laughter)

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

1. Continue a commercial building to no less than 27.90' of the front property line, to the south property line and hard surfacing to the front property line for parking.
2. Waive 25 required parking spaces for furniture store.

Reason being: Not a detriment to the area and size and shape of the lot.

Board Member Descamps supported the motion.

Chairman Watripont stated he has a motion by Board Member Pauta, Support by Board Member Descamps, for the variance requested as stated, not a detriment to the area and size and shape of the lot. He called for Roll Call.

Roll Call:
A roll call was taken on the motion to approve and the motion carried (9-0).

Board Member Pauta	Yes, for the reasons stated in the motion.
Board Member Descamps	Yes, for the reasons stated in the motion.
Board Member Becher	Yes, for the reasons stated in the motion.
Board Member H. Brasza	Yes, for the reasons stated in the motion.
Board Member Vigus	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Board Member S. Brasza	Yes, for the reasons stated in the motion.
Secretary Nestorowicz	Yes, for the reasons stated in the motion.
Chairman Watripont	Yes, for the reasons stated in the motion.

The Petitioner's request was **GRANTED.**

APPROVED

14. PUBLIC HEARING **APPLICANT: New Par, dba Verizon Wireless-USE-**
REPRESENTATIVE: Ms. Melissa Brofford, Agent
COMMON DESCRIPTION: 26601 Ryan Road
LEGAL DESCRIPTION: 13-19-228-037
ZONE: R-1-C, C-1 & R-1-P

VARIANCES REQUESTED: Permission to-USE-
Construct a 100 foot monopole telecommunications tower and related radio equipment shelter in R-1-C zoned district and adjacent to residentially zoned parcels.
ORDINANCES and REQUIREMENTS:
Section 4.59: Antennas and antenna towers are permitted in C-1, C-2, C-3 or SS districts upon approval as a Special Land Use pursuant to Section 14.02. Antenna and/or antenna towers are a permitted use in M-1, M-2, M-3 and M-4 zoning districts as regulated herein.
Section 4.61 (1): No antenna or antenna tower shall be located closer than four hundred and fifty (450) feet from any residential use, residential district, health care, daycare or educational institutions.

Chairman Watripont asked the individuals at the podium to state their names and addresses for the record.

Robert LaBelle, 24242 Northwestern Highway, Southfield, Michigan, appeared before the Board and stated he is with Verizon Wireless and introduced Melissa Brofford.

Melissa Brofford, 24242 Northwestern Highway, Southfield, Michigan, appeared before the Board.

Robert LaBelle stated and also with him is Chris Wilcox. Chris Wilcox is their radiofrequency engineer and he will be available to describe matters relating to their specific need in this area. In talking about this project and their need for their use variance, he is going to ask first Melissa to go through the project a little bit of its description and more importantly the process she goes through in order to locate the site. Then he will ask Chris to come up and be able to tell the Board about their need regarding the sites and in that respect they are hoping that they could use this viewer for purposes of showing some of their propagation maps (referring to the projector).

Melissa Brofford stated She is actually the site acquisition agent for this site of Verizon Wireless, basically which means she is the person that goes out into the field and finds a location to place the tower. What they are proposing is a one hundred (100') foot monopole low profile tower to be constructed at the property at 26601 Ryan Road. It is going to be placed at the rear of the Ukrainian Cultural Center within a 30' x 50' fenced in compound area. People always ask how do they get there, why do they need to be there and kind of how the process goes, so the agents re-

APPROVED

ceive a search quest from a Verizon Engineer indicating the need, which their engineer will speak about and the first thing they do is pull the zoning map and the ordinance and figure out where is it that they could fit in their area of need that would meet the code or best meet the code. The second thing they go out and do is drive the area and see with in relation to those maps and what the rules of the ordinance, where physically on properties can they fit due to the existing place, existing buildings, and parking lots and vehicular and pedestrian pathways, and then they go and actually when she narrows down some properties that would work for them, she goes and contacts the individual property owners and try to engage interest in leasing the space to do the tower. Verizon typically leases the property that they use to construct their telecommunications facilities. In this area, she was given a search area right around Ryan Road intersection of where they are at. This area is unique in that the non-residential, the commercial zones that are along Ryan Road only actually extend the first two hundred and fifty feet (250') from Ryan Road and most of those, if not all, are fronted by the building itself of their front parking lot, which Warren's ordinance does not allow towers in the front setback area, so off the bat she was not able to find something that was going to meet the code and not be in residential zone. Then she looks for areas where they could fit and be the least obtrusive as possible and she found the Ukrainian Cultural Center—it is large in size; there was area to place the tower at the rear of the building and they had an interest in leasing the property. They were able to maximize their setbacks and accesses to the property lines.

Robert LaBelle stated during these properties that Melissa had just talked about; they have to go to the area of need that is what a search ring relates to. In this case they have inadequate service; they cannot provide adequate service within the area that the search ring encompasses. Within the search ring, the only property uniquely suited would be able to deal with this issue is in fact the Ukrainian Cultural Center because of its location being partially residential and partially commercial and being able to place it in the back, they had it as close as they could to dealing with the requirements of the zoning ordinance in terms of trying to get on to commercial property, but at the same time trying to provide the service to the residential areas that they are talking about. One of the issues that they are running into in connection with dealing people and getting them adequate service, is the fact that it is now being largely residential; they used to call these things car phones, well they are not anymore, they are used; about forty-five percent (45%) of America now does not even have a landline anymore, they do not have a telephone, they use only their cell phones for purposes of that by the end of this year that will be over half. In dealing with the need within those residential areas, they have to try to find spaces that are non-residential to be able to place their sites, but at the same time be able to serve residential areas, so there is their unique problem that they have to deal with. Actually, he would like for Chris to come up. Chris is a radiofrequency engineer, he works in their offices for the purposes of determining where they have needs and he is going to use something as referred to as a propagation map, which shows in fact where their existing towers are, where the need is and how that exists. He asked for Chris to approach the podium and speak before the Board.

APPROVED

Christopher Wilcox, 307 S. Laurel, Royal Oak, appeared before the Board and stated he represents Verizon Wireless. *(Referring to his presentation displayed on a projector before the Board Members)*. This is a propagation map—a predictions study essentially showing their existing cell sites in the area. This site they refer to is 1281, right at the center of the map as the Board could see. What they consider the green areas to be is generally referred to as a in-building coverage; where in-building penetration is considered to be the strongest; the yellow is more marginal in-building and more of what they consider in-car coverage and then the red is more of marginal areas where they may be more subject to dropped calls and call failures. He will overlay the prediction study showing what they are proposing there with site 1281. Currently they have no sites along Ryan Road and this site helps fill that void and through various statistical measures that they take into account and also feedback they receive from their system performance team; they are the ones who respond to customer trouble tickets and do drive testing in the area. They have determined this need and they are trying to provide adequate service—voice and data services in the area—improved in-building penetration, provide the most reliable enhanced 911 services that they can to the community and this site would certainly help fill that void there along Ryan Road where they certainly have some marginal issues at this time. They would be constructing a one hundred foot (100') monopole as stated earlier; it would be constructed sites that future car-locators could come out here should any of their competitors wish to locate their futures here in the future and save the Board from having this conversation again, (Slight laughter) and thanked the Board for their consideration.

(Side conversation) Robert LaBelle stated to Christopher Wilcox to speak to the Board about another map and to present it to the Board.

Chairman Watripont asked Christopher Wilcox if he could show the two (2) pictures again, because his monitor was not working and he is going to look onto another Board Member's monitor.

Christopher Wilcox *(Referring to his representation displayed before the Board of the area under debate)* stated: That is our current coverage without 1281 and as he stated if the Board looks along Ryan Road there is nothing currently there and this site would help fill that void, where there is no current towers located for them to mount, or they would certainly be happy collocate if there were something available. They are trying to build something that is unobtrusive as possible as Melissa stated.

Chairman Watripont thanked Mr. Wilcox.

Robert LaBelle asked Mr. Wilcox to describe another item briefly to the Board.

Christopher Wilcox stated in addition to the coverage needs, there is tremendous amount of residential as the Board knows and also on I-696, a lot of vehicular traffic through the area. *(Referring to his presentation displayed before the Board on a*

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projector) What these red sectors indicate are what they consider sites that are in exhaust from capacity standpoint, so there is a tremendous demand on their network within this area and it kinds of serves a twofold purpose for them; improved service overall but also capacity offload for the neighboring sites.

Robert LaBelle *(In reference to the same presentation displayed)* stated those are existing sites in the one regard he is showing in that circumstance. The red zones are showing places where the tower basically is receiving so many calls that it is overloaded. The result of which is that those existing towers are not adequately serving within that area, so the 1281, which is the yellow dot *(Referring to their presentation displayed)* that the Board sees in the middle there, is trying to deal not only with the coverage, the gap and inadequate service that was shown by the two (2) yellow and green maps, but also to deal with the fact that the individual towers that are already exist there, are inadequate to deal with the service demands that are made of it; as a result they are still not getting service even if those existing towers are there, so as a result this additional tower does deal with the demand. When they do go to put up a tower, they do that because they get a tremendous number of calls from their customers complaining; they are also able to track lost calls, lost data, transmissions lost or inadequate signals and they could track that individually from their own offices. From that standpoint, that is how they handle that. He is going to speak a little bit just to finish this up, their presentation, about the Telecommunications Act. The Federal Telecommunications Act establishes the Federal Communications Commission (FCC), which in turn established the licenses that they have to acquire for the purposes of being able to provide cellular services. That license that they get through the Federal Telecommunications Act compels them to provide adequate service across the area where they bought the license in the first place; they are actually obligated to do so; in connection with that, the Federal Telecommunications Act talks a little bit to some degree about local authority and what it could do from the standpoint of regulating the location of placement of cell towers and he will read that very quickly; 'The regulation of the placement, construction, and modification of personal wireless service facilities by local government shall not prohibit or have the effect of prohibiting the provision of personal wireless services'. In this circumstance because the City's ordinance actually literally prohibits placing a tower within a residential zone and because that is the only place that they could go and actually provide the service in this circumstance, it is having the effect of prohibiting it in this circumstance, so that is actually—if they will—the unique circumstance they find themselves. They have an obligation of the Federal Telecommunications Act to provide this service on top of that individual zoning ordinances cannot be interpreted or applied in a way that effectively prohibits the service and lastly, they are trying to deal with making it most unobtrusive as possible—their location—in this case they have placed this near the back of the property on purpose. The reasons to get it as far away as possible from the road and adjacent properties on top of that it is a monopole, which is a self-supporting tower, it has no guidewires, nothing comes off of it; essentially it is a large telephone pole, it is painted gray, because their studies show that in Michigan climate this is the best color to blend in. In addition to that they provide this as best they can as far away as they can from where

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they can do and in this circumstance, they only have a hundred foot (100') tower; normally they would go from a hundred-fifty (150') to a hundred ninety-five (195') feet is what their normal tower is; in this case they are having this size in order to be able to deal with the fact that they are in a residential area and a residential zone, but also to be able to provide the service that they would need in this case. As mentioned by Chris, they could have other parties collocate and he would mention that the Federal Telecommunications Act also requires them to permit their competitors to collocate on their towers—they cannot say no if they ask them and they cannot say no to them if they ask them on their towers—it is required under the Federal Telecommunications Act. Basically, they are trying to provide the service in a circumstance where the ordinance in the existing zoning, makes it difficult to completely comply. In this case they are doing the best they can to comply with the least obtrusive possible installation and on top of that he would point out that monopoles become partly urban suburban landscape, they are something that are seen in a lot of circumstances. If they have telephone poles and electric transmission towers and other tall structures, they are very similar to what they find in a normal area. In fact just behind this facility here there is a cell phone tower, it is next door to a residential neighborhood; he actually drove down the road—he forgot which road this is—but he was literally driving towards this tower and as he came in, it was difficult to see this tower in terms of it blending in was because there are light poles, and telephone poles in the area around it, which is going to be true in this circumstance as well. Basically it blends in. He tells the story that of when he before started working for Verizon about ten (10) years ago, he used to drive the same route to get to work as he does now and he passed apparently twenty-five (25) towers and never noticed any of them. When he started working for Verizon he noticed every one of them, but it is because the areas he was going through are the urban suburban areas that they would expect to see them, so they tend to blend in as a general matter in an unexpected kind of way, in the way they provide themselves. The bottom line here for them is that they need, they are required under the Federal Telecommunications Act to provide this service and because they have to try to do this in a way that does not have an effect of prohibition by the Municipality, they do their best to try to find a site which is closely resembles the ordinance as they could possibly do.

Chairman Watripont stated this is a public hearing, anyone wishing to speak on this item, to approach the podium.

John Fettig, 26606 Wexford, appeared before the Board along with his wife Carolyn Fettig and stated they just have one question; they would like to know if they (Verizon) are actually going to put this up in the paved parking lot behind the Cultural Center?

Chairman Watripont stated his understanding from the blueprint is that it will be in the grassy area to the right of the parking lot.

John Fettig stated okay well that is directly behind his house then, and they are going to put it at the back?

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Chairman Watripont stated no, it is going to be on their property closest to Ryan Road. (He turned to Secretary Nestorowicz and asked him if that was correct)

John Fettig stated closest to Ryan Road and if they could tell him how many…

Secretary Nestorowicz stated next to the parking lot of the bar.

Chairman Watripont stated yes, closest to...

John Fettig stated closest to; okay.

Carolyn Fettig stated it is going to be behind the bar, closer to behind the bar.

Melissa Brofford stated yes, right behind the bar.

Carolyn Fettig stated because they live right behind there.

Chairman Watripont stated near the dumpster.

Carolyn Fettig stated another eyesore.

John Fettig stated that is fine then, he was just concerned that it is going to right at their back fence.

(Melissa Brofford describing the area on a map the neighbors)

Carolyn Fettig asked how many feet from their back fence will it be. It is going to be behind the bar.

John Fettig stated yes, they said by the dumpster. That was the only question they had and he thanked the Board.

Carolyn Fettig asked if it will be a hundred foot (100') high.

Melissa Brofford stated yes, a hundred foot (100') tall.

Chairman Watripont stated that was not their property; they are at the back side of it.

Carolyn Fettig asked Melissa Brofford if it was going to be noisy or any lights?

Chairman Watripont stated to the neighbors to address their questions to the Board.

Carolyn Fettig stated they would like to know if it is going to be noisy, if there will be bright lights shining in the windows of their house or?

APPROVED

Chairman Watripont stated the Board will address that and thanked Mr. and Mrs. Fettig. He asked if there was anyone else wishing to speak on this item to please step forward.

Michael Andriaschko, 3829 Dora Drive, appeared before the Board and stated he is the Vice-President of the Ukrainian Condominium Association; also he sits on the Board as the Committee Member of the Ukrainian Cultural Center. They have been watching this whole process from both the Condominium Complex and of course they as representatives of the Center. The location looks quite correct towards the dumpster as the Chair had stated. Based on the fact that they have had such shrubbery in the tree line, he does not even see where they will be having any issues regarding the height of the pole, so from their perspective they are very positive about the whole process. He thanked the Board.

Chairman Watripont thanked Mr. Andriaschko and asked if there was anyone else? Hearing and seeing none, he turns the matter over to the Board.

Board Member S. Brasza asked Verizon: Does she remember them came in front of the Planning Commission just a little further north on Ryan requesting a tower, on the east side of the street?

Robert LaBelle stated he forgot the last tower they asked.

Board Member S. Brasza stated towards Thirteen Mile.

Robert LaBelle stated they have asked for ones in Warren before but that was on…this is the first one they have asked for on a residential property. The ones they have asked for before had been on commercial or…

Board Member S. Brasza stated that it was on a commercial property, but it was close to residential and she is wondering why they are just going a mile south.

Robert LaBelle stated basically the plans they showed the Board the ones they showed in that circumstance…let him just start with the real basics concept. Towers have about a mile and a half radius in terms of their coverage and so them going a mile away is reasonably within that area, but the real issue here is the fact of what they showed the Board about those various existing towers and the red areas, which are getting overtaxed. Those existing towers in incapable of being able to handle all of the traffic that they are getting, so as a result service is being compromised within that area.

Board Member S. Brasza asked with the hundred feet (100') pole, how many people were they collocate?

Robert LaBelle stated the pole is structurally designed to be able to handle three; two to three others.

APPROVED

Board Member S. Brasza stated three and asked if this hundred feet (100') pole has three others and it falls, then they are ten feet (10') from somebody's backdoor wall?

Robert LaBelle stated he would like to start with the first concept. Basically monopole towers do not fall. They have been…no Verizon Wireless monopole has ever fallen. They have been hit by hurricanes, floods, tornados, vehicles; they just do not go down. The basic reason why is because there is approximately a forty foot (40') concrete base that is drilled into the ground and it is attached to that. That is the reason why they do not have guidewires; it is very solid, so they do not fall down. The other thing is they are also designed—and this one will be designed in that way too—to collapse on themselves; they do not do this, *(gesturing with his hands)* they fall on themselves. This one would actually have about a fifty foot (50') radius in terms of its fall rather than the hundred.

Board Member S. Brasza asked in their area are they going to have surrounding greenbelt. Was that their shrubbery that is around the outside fencing on there?

Robert LaBelle stated yes, that is what they are proposing to put around the structure.

Board Member S. Brasza asked if they would be maintaining that.

Robert LaBelle stated yes, under the lease they will have with the Ukrainian Cultural Center, they will have the obligation to maintain it.

Board Member S. Brasza stated they have in their drawings or their renderings with the red on it, they had one that was at 696; was there an ability to enhance what they have on these locations to give them more coverage?

Robert LaBelle asked Christopher Wilcox to answer that question.

Robert Labelle stated basically the answer is that the reason why they are exceeding their capacity is because that is all they can do. They are doing everything they can if those antennas adapt to that point are working at a hundred percent (100%).

Board Member S. Brasza asked they could not put a bigger antenna there?

Robert LaBelle stated they actually have limitations pursuant to the Federal Communications Commission about just how much actual emission, the radiofrequency emission they could produce at a particular site, so…

Christopher Wilcox stated if he could interrupt. In this case it is more of equipment limitations; radios are only capable of transmitting so much power, so they typically run them at full power unless there is reason to do differently, but these sites are

APPROVED

particularly running at full power. Unfortunately there is nothing really that they could do to improve what they have.

Board Member S. Brasza stated they are just asking the Board to go three hundred (300') and some on feet closer to residential than their zoning requires, and this is a Use and she is having a real hard time with that.

Robert LaBelle stated he understands her concern but basically what he is dealing with, what they are dealing with there is their obligation and the Federal Telecommunications Act.

Board Member S. Brasza stated she understands.

Robert LaBelle stated there are certain limitations in terms of what can be done both by them and by the Municipality.

Board Member Descamps to the Petitioner stated he would like to address the neighbor's concerns about the light and noise, are they going to be bothered?

Robert LaBelle stated the tower itself will not be lit; it is not high enough to require any kind of lighting. Lighting is typically required as a result of the Federal Aviation Administration requirement; this is only a hundred feet (100'), it is not going to require any lights at all. The only lights will be on the actual shelter in they cast downward and they are motion operated, so when motion sensors go up, is when one of their guys are there, they will have lights that cast down; someone will actually be there and they will not actually provide any light from the site. As far as noise is concerned, the tower itself, the antennas do not actually produce any noise at all, they do not do anything, they do not hum anything at all, but basically the shelter down below is air conditioned, so it will have an air conditioner on it; it is your standard air conditioner in that respect. He has been told that it is equivalent to about what you would get with regard to a residential, about half what you get to a residential unit that is put in your window in that case. There is a generator onsite that is for power outages, but it will run only in an event that there is a power outage and you are going to have lots of other generators running at that time period related to other locations based on that; but really it is only to deal with an emergency situation where a power outage actually occurs. In their case they will have it tested every so often, about once every couple of months for fifteen (15) minutes or so, just to check and see if it works, but other than that, that is about the only noise and there is no light at all that will be produced. They have a service technician that will turn up there about once or twice a month in a standard issue minivan type actually and his only purpose to go there to primarily to deal with the electronic equipment inside the shelter, just to make sure it is all properly maintained and properly working; very infrequently do they actually get up on the pole itself; pretty much that is left alone once it is put up.

APPROVED

Chairman Watripont stated he believes when the City of Warren had their ordinance, their main concern was radioactive waves and such and he thinks they had, either it was them or another competitor, come and talk about that and how it is not as much as what was originally thought back twenty (20) years ago or whatever.

Robert LaBelle stated the first thing to answer the Chair's question is there is no radioactivity produced by these at all. There is radiation but that is true of anything, it is a point source—if you drop a pebble in a pool of water, it creates a radiated surface out of that—so when talking about radiation in this circumstance, he is talking about radio-waves, and radio-waves are just like what your radio would produce, it is what your television produces, et cetera; it is just the same thing. He will read the Board the section of the Telecommunications Act, which says they can consider that, it actually says 'No state or local government may regulate the placement, construction, or modification of personal wireless service facilities on a basis of the environmental effects of radiofrequency emissions to the extent that such facilities comply with the Commissions regulations concerning such emissions', that was one of the things he was referencing a few minutes ago about why they cannot blast them out and in that case they have to comply with the FCC's requirements in that case. Bottom line with these things, they could go to the American Cancer Society website, they could go to the FCC's website, all of them will conclude exactly the same thing, that a tower does not have environmental effects, harmful health effects and the reason why basically, is because it is radio-waves and the source of radio-waves that you have near you are far far greater than what you would receive from the tower and they do not actually produce any damage in that case. They are what is called—and they see this in the American Cancer Society website—non-ionizing radiation; meaning that it does not ionize tissue. Ionizing radiation like x-rays does harm in the tissue.

Chairman Watripont thanked Mr. LaBelle.

Board Member Descamps stated if there were no more questions or concerns, the petitioner had addressed all of his; he would like to make the motion.

Motion:
Board Member Descamps made the motion to approve the petitioner's request to:
Construct a 100 foot monopole telecommunications tower and related radio equipment shelter in R-1-C zoned district and adjacent to residentially zoned parcels.

Reason being: Not a detriment to the area, size and shape of the lot, and needs approval of the Board.

Board Member H. Brasza supported the motion.

APPROVED

Chairman Watripont stated he has a motion by Board Member Descamps to approve this as written and Support by Board Member H. Brasza; not a detriment to the area, size and shape of the lot and needs approval of the Board.

Roll Call:
A roll call was taken on the motion to approve and the motion carried (7-2).

Board Member Descamps	Yes, for the reasons stated in the motion.
Board Member H. Brasza	Yes, for the reasons stated in the motion.
Board Member Pauta	No, she thinks it should be located somewhere else; too much residential around there.
Board Member Becher	Yes, for the reasons stated in the motion.
Board Member S. Brasza	Yes, unfortunately for the reasons stated in the motion; hands are a little tied there.
Board Member Vigus	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, despite the fact she thinks that they are opening a can of worms; but for the reasons stated in the motion.
Secretary Nestorowicz	No, because he thinks it is too close to the residential neighborhood.
Chairman Watripont	Yes, for the reasons stated in the motion.

The Petitioner's request was **GRANTED.**

15. NEW BUSINESS

Board Member Becher stated she wanted to remind them all that they got an invitation to the Commissioner's dinner on Monday, May the 18th and they should all go, because it is going to be at the location of the last…

Chairman Watripont stated at the last item, right there so they could get real close to…

Board Member Becher stated right, the last item and they would have a lovely meal and everything and she hopes they have all RSVP'd and if not she thinks they should call Mr. Cutter and beg.

Board Member Descamps stated: He would like to take a moment to let everybody know on the panel and the City of Warren that the Warren Kiwanis Club is selling the fortune 200 tickets again, one of their main fundraisers for helping children in the area and they are twenty-five ($25) dollars a ticket if anybody would like one, to please contact him.

APPROVED

Chairman Watripont asked if there was anything else.

16. ADJOURNMENT

Motion:
Board Member S. Brasza made the motion to adjourn the meeting.

Board Member Vigus supported the motion.

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

The meeting was adjourned at 9:43 p.m.

Roman Nestorowicz
Secretary of the Board

APPROVED