

WARREN ZONING BOARD OF APPEALS  
REGULAR MEETING  
July 23, 2014

A Regular Meeting of the Warren Zoning Board of Appeals was called for Wednesday, July 23, 2014 at 7:30 p.m. in the Warren Community Center Auditorium, 5460 Arden Avenue, Warren, Michigan 48092.

**Members of the Board present:**

Judy Furgal, Chairwoman  
Steve Watripont, Vice Chairman  
Roman Nestorowicz, Secretary  
Jean Becher, Assistant Secretary  
Henry Brasza  
Jules Descamps, Jr.  
Ann Pauta  
Jennifer Vigus

**Members of the Board absent:**

Board Member Wally Bieber

**Also present:**

Roxanne Canestrelli, City Attorney  
Everett Murphy, Zoning Inspector

**1. CALL TO ORDER**

Chairwoman Furgal called the meeting to order at 7:38 p.m.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

Board Members Wally Bieber was absent.

**Motion:**

Board Member Descamps made the motion to excuse Board Member Bieber and it was supported by Board Member Watripont.

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

**4. ADOPTION OF THE AGENDA**

**Motion:**

Board Member Vigus made the motion to approve the agenda and Board Member Watripont supported the motion.

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

**5. APPROVAL OF THE MINUTES OF the Regular Meeting of July 9, 2014.**

**Motion:**

Board Member Vigus made the motion to approve the minutes of July 9, 2014 and Board Member Becher supported the motion.

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

6. PUBLIC HEARING                      **APPLICANT: Mr. Asim Cehajic**  
    (Rescheduled from 6/11/14)  
REPRESENTATIVE:                      Asim Cehajic/Kerm Billette PCP  
COMMON DESCRIPTION:                21329 Groesbeck Hwy  
LEGAL DESCRIPTION:                    13-35-330-016  
ZONE:                                      M-2

**VARIANCES REQUESTED: Permission to:**

1. Construct a pole barn (34 ft x 34 ft = 1156 sq. ft.) to less than five (5) feet of the north property line and seven (7) feet of the west property line.
2. Outdoor storage for truck parking on gravel as per the plan.

**ORDINANCES and REQUIREMENTS:**

**Section 17.02 Paragraph (b): Side yards and rear yards. M-2, 20 feet each.**

**Section 17.02, Item (s) Paragraph (2): Industrial Standards, Open storage other than junk...** The designed area shall be hard surfaced and screened from the public street and any residentially zoned areas... Further, the designated area shall not exceed 50% of the building size and in M-2 zones the designated shall not be located any closer than seventy-five (75) to the front property line...

Kerm Billette, 38628 Warwickshire Drive, Sterling Heights, MI appeared before the board and stated the petition tonight was for Mr. Cehajic on a piece of property on Groesbeck that is very hard to find if you are looking for it. It is hidden behind the auto wrecking place on Groesbeck. Mr. Cehajic wants to construct a 32 x 32 pole barn on the property and store six trucks and use the small building to work on trucks to do minor things. No engine repair, no paint jobs, no washing vehicles. The board of appeals about a month or so ago tabled this item because the petitioner should have to get from the City Engineer or from an engineering company approval of sewer, water and storm to the property. All these utilities are necessary to service the building and it was quite necessary to have these utilities on the property for another reason is that part of it floods. Mr. Cehajic says that he will not do any work or construction on the property until he receives the engineering plans and they are approved by the city, then he would come back to the board of appeals for approval once he is settled that he can serve the property with utilities and build the building on the property with all the necessary permits.

Asim Cheajic, 21319 Groesbeck said he just hoped the board would approve his plan.

Chairwoman Furgal asked if the petitioner was asking to have this item rescheduled.

Kerm Billette said yes a reschedule for probably 30 days or more. If it would serve the board of appeals the item could be brought up and if Mr. Cehajic wants it brought it at the planning commission meeting after he receives his engineering plans and he tries to get the permits from the City and gets a contractor to install the



border is a Detroit Edison Utility easement and the southern border of this is the Bunert substation of DTE. The building is a large one, 26,541 sq. ft. and would be used mostly for offices and storage of construction equipment and supplies such as scaffolding and the smaller items. The remainder of the site was purchased to be used for parking, both employee and customer although there was not a ton of that. Mostly for outdoor storage of construction equipment that was the business that Mr. Holman has. There are approximately 30 heavy equipment items and he thinks Mr. Tobin has called them out on his plans so that the board could see what would need to be stored. There was a previous hearing on this matter scheduled and at that time the zoning board suggested the petitioner meet with the neighbors and other folks that had appeared, in an informational way. That meeting took place on May 29, 2014 where maybe a dozen folks were there, neighbors, business neighbor's residential neighbors and some other interested people that have horses in the horse farm that was located down the road a little bit and they store their horses there, board their horses there. At that meeting Mr. Holman explained what his business was and essentially they do construction and demolition but it was not on site. They are not bringing gravel trucks back and forth. He was basically moves his equipment out in the morning and most of the equipment would stay on job sites until complete then he brings trucks and equipment back in the evening as necessary. Really this was a substantially lower use than what was allowable in an M-2 zone but it is a permitted use and he hopes this would delay some of the concerns. There were thoughts freely exchanged by the residents and the people there. As a result Mr. Holman has consented to add a two foot berm on the Barber frontage as well as five foot arborvitae to block the storage from the street. In addition, was required by the Planning Commission plan was a six foot chain link fence that would have plastic inserts all around the perimeter that would help. Those changes were made basically, entirely because of this meeting and he thinks and hopes it was helpful. Many or most of the complaints there were regarding presentation and that was why they thought these steps might be useful. Board Members may have been out there and noticed that the building is in the process of being painted and the site has been substantially cleaned up and will be even more so. That being said, what they were asking of course was variances to waive 11,015 sq. ft. of hard surface off street parking in addition to what was previously waived. There would be about 30% of hard surface parking there and also to allow 18,653 sq. ft. of outdoor storage with roughly 15,000 sq. ft. to be hard packed gravel that was MDOT AGR gravel which the petitioner thinks is the appropriate gravel for this site and for this equipment. If this equipment were stored or brought back to the business on the hard surface concrete would pulverize that concrete very quickly. The gravel was really a much more appropriate fit and service to store this heavy equipment on; it was probably the best system. It was a realistic and proper use in M-2, it was a reduced use from what was maximally possible in M-2 but there is a practical difficulty because of the size of the building, the size of the lot, the shape which requires substantially more parking than was actually necessary for the business but substantially more storage parking or less storage parking then the petitioner has and that was why he needed the waivers. He thinks that the size and shape of the lot relative to the building makes this an appropriate action for this board and approval would not be a detriment to the neighborhood at all. In fact he thinks the whole project was totally in keeping with the neighborhood and would not alter the essential character in any way.

Chairwoman Furgal said this was a public hearing and asked if there was anyone in the audience that would like to comment on this item.

Jackie Palco Katara, 14671 E. 11 Mile Road, Warren, MI appeared before the board and said her property was divided on Barber Street as the board knows it is the horse stables. She did take a couple of pictures of the property to show how it looks right now. The petitioner was asking to bring gravel in but her pictures show construction, concrete, and she does not know if they would like to take a look at it.

Chairwoman Furgal said the board has seen it.

Jackie Palco Katara continued and stated loading and unloading of the tractors and trailers, she has pictures of them doing it on the street. That was something she did not know if they were aware of. She asked if the petitioner was not using gravel but was using a brick.

Chairwoman Furgal stated the board would ask them.

Frank Shriner, 27295 Gloede just off of Barber and stated he was here last time to talk over with the company that was petitioning right now for having their building upgraded and changed. He noticed the other day when he was out there he heard some noise and he looked to see how they made so much noise but he found out they had a heavy construction back hoe with tracks on it that was backing off it with a big large semi-truck right on the street. The petitioner had said they were not going to do that and this company right now even though they are not moved in they are packing equipment on the streets, turning the tracks and they are going to tear up the streets. The streets are bad enough down there now and if they say they are not going to so that they need to get the semis back into the property and take the trucks off or back hoes onto their own land and not on the city streets. As taxpayers we are paying for that and that was one thing he does not like. When the petitioner unloaded it, they did it so fast, they didn't want anyone to see them and they took and tried to take a driver that was unloading and tried to sweep the street real fast so that no one would catch them. Now if you are not going to take and break any rules or regulations then they should start now and now when they move in. He was worried about the noise and he was glad to hear they are going to put a berm up. That will keep some of the sound and dust down. That was what they were hear last time for and a lot of other people were here too. He does not know if there were any calls on the phone talking about this or leaving a message at the city hall but this is a concern that he has, just keep the construction equipment off the roads and keep them on the property.

Chairwoman Furgal asked if there was anyone else. Hearing and seeing none she turned the matter over to the board.

Chairwoman Furgal said she assumed that the pile of debris that was on the property right now, a pile of brick and block and it looks like it was from doing some work from inside the building that it would be removed.

Arthur Rose said yes that would be removed as well as there was a tank there that was full of debris and the whole thing was going to be cleaned up. He was not sure

of the whole situation that was just described but right now they are not really using the place.

Chairwoman Furgal said there is an excavator there, obviously they unloaded it. There is an excavator sitting there and she assumes they were using it for their re-construction and the work they are doing there.

Arthur Rose said that was absolutely right, the clean-up. There is some clean-up to be done but he expects all of that to be removed. It is not just the gravel that was there, the only gravel to be brought in would be the gravel to make that lot both graded and level it. It has to be graded; it cannot be just the way it is now.

Chairwoman Furgal asked if the storm sewers that were on the plan are they already in existence or do they have to be installed?

Arthur Rose said he believed they were already in and conferred with Mr. Tobin.

Robert Tobin said yes the sanitary and water sewers are already there.

Chairwoman Furgal said the storm sewers are important because if they have gravel there still has to be drainage.

Arthur Rose said that was right and that was why he said even though there is gravel there, the only gravel that would actually, he was not bringing gravel back and forth, but there would be gravel brought in to finish that and grade that appropriately.

Chairwoman Furgal said ok, that was the question. She asked if there was anyone else on the board with questions.

Board Member Pauta asked Mr. Tobin if all the underground was there then why was Mr. Tobin required to do engineer plans. Mr. Tobin.

Arthur Rose repeated the question to Mr. Tobin.

Robert Tobin said he has not done that yet.

Board Member Pauta asked why he was required to do it.

Robert Tobin said he waits to get approval before doing engineer.

Arthur Rose said Mr. Tobin did the planning and that was all.

Board Member Pauta asked if Mr. Tobin has been to planning at all. Has he talked to Ron Wuerth about this?

Arthur Rose said the planning commission approval of this project as Mr. Tobin presented to the board.

Board Member Pauta said so this has been to the planning commission already?

Arthur Rose said yes.

Board Member Pauta said she was not in favor of this at all based on what she was hearing from the neighbors and she definitely does not like the machinery on the road, no way.

Board Member Becher said she was confused; Mr. Tobin was going to engineering? If he has a graveled lot, would he have the proper drains for the vehicles under it?

Arthur Rose and Robert Tobin both said oh yes, it must be drained, absolutely.

Board Member Becher continued and said she has a plan and it was from the first time he was before the board on this item. Was there a revised or updated plan that the board did not get for this meeting?

Arthur Rose asked Robert Tobin if he updated the plan to show the change with the berm.

Robert Tobin said yes, yes he did, they have been updated.

Board Member Becher said no one on the ZBA has received those plans.

Robert Tobin said the board has not received them yet but he fixed the plan presentation he was holding up for the meeting tonight so the board could see what he was really doing. He demonstrated where the new berm was on his presentation board.

Board Member Becher said no, the board has not been given the plans and she was sorry but she could not study those plans from sitting here and him holding it up.

Chairwoman Furgal asked if he would point out where the berm was going to be. That was what was really in question.

Arthur Rose stated it was basically the whole frontage on Barber except right here at Gloede where the building comes out more and there was an old truck well but it was the frontage to the west of that. He apologized but he thought the new plans had been submitted.

Board Member Brasza wanted to clarify when he says outdoor storage was it specific outdoor storage for the equipment only, there would not be any storage of any repair stuff or miscellaneous parts or anything, no junk, no trash, no nothing.

Arthur Rose said equipment only all the rest of the storage was inside, except there is a trash container that has walls and all.

Board Member Brasza said he has no problem with that as long as he was willing to take that as a condition of the approval that only equipment, no trash no anything else outside storage.

Arthur Rose said that was no problem because that was the intention.

Board Member Descamps stated to Mr. Rose that there were a couple of items that the residents were concerned about and one of them was the gravel which strictly was a misunderstanding. The gravel was going to be used strictly for making the parking area for the equipment. Secondly, he needed to talk to them about the unloading. He was assuming once everything was done they would unload off the truck onto their own property.

Arthur Rose said he totally agreed that they should not be in the street; the whole point of this was to unload on the property that was the entire project.

Board Member Descamps said that was what he was assuming and that the berm would then cut down the noise from that.

Arthur Rose said hopefully the noise and the sight.

Board Member Descamps said perfect, thank you.

**Motion:**

Board Member Descamps made the motion to approve the petitioner's request to waive 11,015 sq. ft. of required hard surface off street parking in addition to the 5,000 sq. ft. of parking waived on May 11, 1988. To also allow 18,653 sq. ft. of outdoor storage strictly for the use of equipment not for materials, parts or junk. To allow 15,261 sq. ft. of gravel parking for the outdoor storage assuming that all the berms and fencing would be completed.

Reason being: Not a detriment to the area and needs approval of the board.

Board Member Watripont supported the motion with discussion.

Board Member Watripont stated that as part of the motion he would ask the maker of the motion to include that all loading and unloading be done on premises.

Board Member Descamps said he agreed and would amend the motion to include that.

**Roll Call:**

A roll call was taken on the motion and the motion carried (8-0).

Board Member Descamps	Yes for the reasons stated in the motion.
Board Member Watripont	Yes for the reasons stated in the motion.
Board Member Pauta	No because not all of the proper information was submitted to the board, engineering has not been approved and she believes this will be a detriment to the area.
Board Member Brasza	Yes for the reasons stated in the motion.
Board Member Becher	Yes, not a detriment to the area and due to the size and shape of the lot.
Board Member Vigus	Yes for the reasons stated in the motion.

Secretary Nestorowicz  
Chairwoman Furgal

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

8. PUBLIC HEARING                      **APPLICANT: Mr. Jeremy O'Neil**  
    (Reschedule from 6/25/14)  
REPRESENTATIVE:                      Mr. Charles O'Neil  
COMMON DESCRIPTION:                21816 Dequindre & 1925 Garrick  
LEGAL DESCRIPTION:                    13-31-152-021 & 13-31-152-010  
ZONE:                                      M-2 & P

**VARIANCES REQUESTED: Permission to:**

Operate a truck repair facility to no less than 50' from the residential district to at the rear, adjacent to residential to the north and less than 200 feet to the south across Garrick.

**ORDINANCES and REQUIREMENTS:**

**Section 14.01 Paragraph (j): Uses Permitted.** Automobile repair shops, including body and fender business, provided that such uses are conducted entirely within an enclosed building, and provided further that such establishments are located **at least two hundred (200) feet from any residential district** or are operated on the premises of and in conjunction with an automobile dealership in a building with appropriate filtering system to prevent emission of paint odors and **with a masonry wall facing any such residential district**, which shall have sound retarding insulation, shall have no doors other than any door required by law as a fire exit, and shall have no windows but may have glass block areas to transmit light.

Board Member Watripont stated this petitioner has been before the board in the past and have been on time and everything, maybe they were having a problem so he would like to put this item to the end of the agenda.

Board Member Pauta stated the petitioner was going to purchase this building and decided not to. She does not know why it was on the agenda.

Chairwoman Furgal said she was trying to remember why it was rescheduled. She said it would be moved to 15a and if they do not come the board could talk about it.

**Motion:**

Board Member Watripont made the motion to move this item to 15a of the agenda

Board Member Descamps supported the motion.

**Voice Vote:**

A voice vote was taken on the motion and the motion carried (8-0).

9. PUBLIC HEARING                      **APPLICANT: Firas Elia/Best Buy Tires-USE-**  
    (Rescheduled from 6/25/14)  
REPRESENTATIVE:                      Firas Elia/Kerm Billette PCP  
COMMON DESCRIPTION:                22626 & 22632 Dequindre/1928 & 1936 Otis

LEGAL DESCRIPTION: 13-31-104-001, 002, 005 and 004  
ZONE: M-2 & R-1-C

**VARIANCES REQUESTED: Permission to:-USE-**

1. Store U-Haul trucks on R-1-C Zoned lots per the plan.
2. Allow outdoor storage of U-Haul trucks over 50% of the building size as per the plan.
3. Waive seventeen (17) require off street hard surfaced parking spaces as per the plan.
4. Waive required greenbelt along the south and east property lines; allow a six (6) foot chain link fence.
5. Continue with chain link fence in the front setback on the R-1-C lots and across the front property line.
6. Continue a building to no less than 4 feet of the south property line and to the rear lot line on the M-2.

**ORDINANCES and REQUIREMENTS:**

**Section 5.01 through 7.01 Uses permitted in Residential Zones:** Outdoor storage is not allowed residential zoned districts.

**Section 17.02, Item (s) Paragraph (2): Industrial Standards, Open storage other than junk...** The designated area shall be hard surfaced and screened from the public street and any residentially zoned area... Further, the designated area shall not exceed 50% of the building size and in M-2 zones the designated area shall not be located any closer than seventy-five (75) to the front property line...

**Section 4.32 (h) 20: Parking for service shops.** One (1) parking space for each five hundred (500) square feet of floor area.

**Section 4.32 (h) (22):** One space for every 150 sq. ft. of building.

**Section 17.02 (c) Greenbelt:** When a side or rear yard abuts a zoning district other than industrial then eight (8) feet wide as per Section 2.26

**Section 2.26 (a):** 8 foot greenbelt may be replaced with a decorative masonry wall.

**Section 7.05:** Front yard setback in R-1-C is 25 feet.

**Section 4D.07:** Fences shall conform to the setback requirements for the Zoning District (R-1-C).

Kerm Billette, 38628 Warwickshire Drive, Sterling Heights, MI and stated he was representing Best Buy Tire. The property at this address on Dequindre was used as a construction yard for many years and had the connotation of being a detriment to the neighborhood; it had a lot of construction equipment on it and had a lot of parking in the street and so forth. Everything has been cleaned-up to an immaculate degree. He was left with the things that the construction company did or did not do the property whether it was done improperly or with permission. They constructed a fence out to the outer perimeter of the property on both streets and to the residential district on the east end and the south end. The petitioner was requesting that he be allowed to store trailers, not trucks. The petition reads trucks but it is only trailers. The U-haul trailers that are seen attached to a truck or car that they haul goods in. A site plan has been submitted to the planning commission for approval but it has not been heard yet. He wants to store on the back of the property, 16 trailers. They would be stacked two at a time and they would only be stored on the concrete. There is a big concrete pad in back of the building and the trailers would be stored on the concrete. There is no other use of the property that is in gravel for parking or anything. The rest of the property was paved with asphalt over to the residents on

the east and paved in asphalt out to the side street. The petitioner has cleaned-up the property and cleaned-up the building, his tire business and this would be an accessory use to his property. The requirements he agreed to have and he talked about the possibility of putting a chain link fence with slates rather than the concrete wall that was required by the construction company and right now flows over to this petitioner to put the concrete wall between the residential and the building or the parking area. He would put slates in the face and everything else would remain as is. There is a telephone poll in the middle of the property that would remain there, it cannot be moved. The building has been upgraded by 300% than what it used to be it used to be a real bad building and right now it is very immaculate. The petitioner is present to answer any questions.

Chairwoman Furgal said this was a public hearing was there anyone in the audience that would like to comment on this item. Hearing and seeing none she turned the matter over to the board.

Board Member Pauta said she has been to the site and it is immaculate. She could not even find a piece of paper in the yard. The interior was so clean you could eat off the floor. She did verify with Mr. Wuerth that this petitioner would be going to planning on August 18<sup>th</sup>. She does not have a problem with what he was requesting.

Chairwoman Furgal restated that Board Member Pauta had stated that it was very nice and clean and that it was going to planning on August 18<sup>th</sup> and she has no problem with it.

Board Member Watripont asked the City Attorney that the fact that it was posted as store U-haul trucks and all they wanted to was the trailers was there any problems with the posting?

Chairwoman Furgal stated it did say trailers on their application.

Kerm Billette said it might be considered part of down grading because it advertising trucks and they are only doing trailers and that is less. If you advertise for trailers on the property and have trucks that would be more and that would be a violation of the advertisement.

Board Member Watripont said he was is somewhat of agreement with Mr. Billette and asked if the City Attorney agreed as well.

Roxanne Canestrelli, City Attorney said yes.

Board Member Watripont said he just wanted to make sure before the Board moved on.

Roxanne Canestrelli, City Attorney thanked the board for allowing her to process her final response.

Chairwoman Furgal stated she had a question. This is a use variance and it was a use variance because he wants to put the 14 trailers directly behind the building and that property is zoned R-1C, was that why? What was being done with the rest of the

property? Where it says broken asphalt, broken asphalt, what is being done with that? Was the plan to continue to clean the property up?

The petitioner said yes.

Chairwoman Furgal said if he gets approval for this and the board says that it is 14 trailers behind the building that is what he gets. If you pave it over and want to put more trailers back there you cannot do that unless you come back and get approval for that.

Board Member Becher said she thought she heard that he was planning on stacking the trailers one on top of the other, did she hear that correct?

Kerm Billette said no there was one trailer parked in front of the other.

Board Member Becher said oh ok thank you, she was listening but she could not catch it all.

Board Member Brasza asked if it had been posted as only having a limited amount of trailers or was that something that the board wanted to put as a condition of the motion.

Chairwoman Furgal said it was not posted with a specific number but it was mentioned here tonight and she thinks it should be part of the motion.

Board Member Brasza asked the petitioner if he was ok with the limitation of just 16 trailers.

Chairwoman Furgal said his plan says 14 trailers.

Board Member Vigus said he spoke 16 and that was what she wanted to clarify.

Chairwoman Furgal asked how many trailers he planned to put on the property.

Kerm Billette said 14 trailers.

**Motion:**

Board Member Watriont made the motion to store 16 U-haul trailers on R-1-C zoned lot as per the plan and allow outdoor storage of 16 U-haul trailers over 50% of the building size as per the plan, only on the concrete area. To waive 17 required off street required hard surface parking spaces as per the plan. Waive the required greenbelt along the south and east property line allow a six foot chain link fence. Continue the chain link fence in the front setback on the R-1-C lots and across the front property line. Continue the building to no less than 4 feet of the south property and to the rear lot line on the M-2 Zone.

Reason being: Size and shape of the lot and not a detriment to the area.  
Board Member Pauta supported the motion.

Board Member Nestorowicz said that Board Member Watripont said 16 trailers in the motion but the petitioner said 14 trailers.

Board Member Watripont said change the motion to 14 as the petitioner agreed to 14 trailers.

Board Member Watripont made the motion to store 14 U-haul trailers on R-1-C zoned lot as per the plan and allow outdoor storage of 14 U-haul trailers over 50% of the building size as per the plan, only on the concrete area. To waive 17 required off street required hard surface parking spaces as per the plan. Waive the required greenbelt along the south and east property line allow a six foot chain link fence. Continue the chain link fence in the front setback on the R-1-C lots and across the front property line. Continue the building to no less than 4 feet of the south property and to the rear lot line on the M-2 Zone.

**Roll Call:**

A roll call was taken on the motion and the motion carried (8-0).

Board Member Watripont	Yes for the reasons stated in the motion.
Board Member Pauta	Yes for the reasons stated in the motion.
Board Member Becher	Yes for the reasons stated in the motion.
Board Member Descamps	Yes for the reasons stated in the motion.
Board Member Brasza	Yes for the reasons stated in the motion.
Board Member Vigus	Yes for the reasons stated in the motion.
Secretary Nestorowicz	Yes for the reasons stated in the motion.
Chairwoman Furgal	Yes for the reasons stated in the motion.

10. PUBLIC HEARING

**APPLICANT: Laney Landscaping,  
Mr. Stephen Laney/Owner**

REPRESENTATIVE: Mr. Kerm Billette PCP  
COMMON DESCRIPTION: 23656 Groesbeck Hwy  
LEGAL DESCRIPTION: 13-26-430-002  
ZONE: M-2

**VARIANCES REQUESTED: Permission to**

1. Continue a building to no less than 17 feet of the front property line on Groesbeck.
2. Continue a building to no less than 5.7 feet of the north property line as per the plan.
3. Allow outdoor storage for landscaping material over 50% of the size of the building
4. Outdoor storage to no less than 20 feet of the Schoenherr property line, as per the plan.
5. Waive required greenbelt/wall along the south property line as per the plan.
6. Allow a 6 foot chain link fence into the front setbacks of Groesbeck and Schoenherr, as per the plan.
7. Allow the 21.3 foot maneuvering lane on the south side of the building.

**ORDINANCES and REQUIREMENTS:**

**Section 17.02 (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 (b): Side and rear setback in M-2:** 20 foot setbacks required.

**Section 17.02 (s): Outdoor storage M-2:** All open storage shall be located in a designated area approved by the Planning Commission as a part of site plan approval. The area shall be enclosed on three (3) sides by chain link fencing with metal/plastic slats used for screening as deemed necessary by the Planning Commission. The designated area shall always be hard surfaced and screened from the public street and any residentially zones areas. The designated areas shall not be located in any area required for parking space and is necessary to meet the minimum requirements of Section 4.32 of this ordinance. Further, the designated area may not exceed fifty (50) percent of the gross floor area of the primary structure on the site... Lumber, including wood pallets or other combustible material, shall not be stored less than twenty (20) feet from any interior lot line. An open driveway shall be provided that has a graded roadway, is hard surfaced and maintained from the street to the storage area in order to permit clear access for fire trucks at any time to the open storage areas.

**Section 17.02 (c): Greenbelt/Wall:** Along all zoning districts boundary lines which border on a more restrictive zoning district.

**Section 2.26 (a):** An 8 foot greenbelt can be replaced with a 6 foot masonry wall.

**Section 4.32 (h)(i): Maneuvering Lanes:** Required 22 foot.

**Section 4D.39 Location for fences:** Shall not extend closer to the front lot line than the front setback line.

Kerm Billette 38628 Warwickshire, Sterling Heights, MI appeared before the board and stated Mr. Laney was also present. He was using a regular car wash building that has been in operation for many years, that had been sold to the church in the area and they owned it for a few months and then realized there was not much they could do with it and Mr. Laney bought the property and fitted his need to go through the car wash area, where all the equipment has been removed. The building has been stripped down to just bare walls. He would use the car wash area to put a truck and trailer ready to go out facing the one direction out to Groesbeck. The truck would come in one door and go out the other after having been stored over night. The other side of the area was used for detailing and that would be to put his mowers, trimmers and so forth, some mobile and some non-mobile in that part of the building and the western most part of the building in a small corner, there was a small area that can be used for sharpening his equipment and maintenance of some of the items. There are restroom facilities in the building and there was not much room for an office but he really does not need that much room for an office in the business. The property was extended from Groesbeck thru to Schoenherr. It was all paved and there was a landscaped area in the front that faces Groesbeck that Mr. Laney Landscaped. The property was owned by the adjacent property owner to the south and west and the other area for the north side was a junk yard with cars and the oldest one he saw was a 1984 truck and it has been there for quite a while. The property has been keep up very

well and there are a couple things that have to be done. The weeds had to be trimmed between the buildings and he had to take away some debris that was left from construction remodeling on the inside. He proposed to put six large buffers that are 16 feet wide and generally 20 feet deep to store the materials, the sand and gravel and mulch and fencing and paver bricks. These would be outdoor storage area on the east end of the building for six bunkers. Parking for 12 cars and he does not know the requirements for the driveway width other than 22 feet on the south side of the building measures 21.7 feet. The parking spaces are to be 9 feet wide and they scale 10 feet wide along the south property line. There is an R-1-C zoning district that is adjacent to the property where the trucks and vehicles are parked on his south side at the west end, this is part of the building to the south, it is a plumbers building and that was there parking lot for their equipment and vehicles. The petitioner proposes to make a building interior up to code and comply with all the codes and ordinances and to utilize the property for his landscaping business. He believes it would be an asset to the area to have this building that was built in 1971. His proposed use he now has in Roseville would enlarge his business and make it more comfortable to operate and retain 8 employees. There were probably 50 to 100 customers that would be in a radius around this area that would be conveniently served by Mr. Laney and his landscape business. As far as the recommendations from the planning commission he agreed to all the recommendations except for one here that the planning director wanted the area landscaped on Schoenherr that was 30 x 50 that was a grassy area that Mr. Wuerth wanted to have automatically irrigated with sprinklers. However, it would cost a fortune to take the sprinkler from the building which has a water meter at the far west end all the way back to the property and put some sort of pipe underground or on top of the ground to irrigate this. Mr. Laney explained that he has a watering truck that he would take the water necessary for the lawn and take it from the truck each time. There were a couple of other items; two trees were required to be planted on Schoenherr. He was requesting that the setback be left as it was, hard surfaced on the southern portion of the setback and it was grass on the northern portion and two trees were planted in grass area. Rather than cutting a whole in the blacktop and planting a tree that would never live. From his experience as a landscaper and that was explained last night, the other day, Monday to the Planning Commission. There were a couple items there that were necessary for him to do. Required vegetation the weeds between the building on one of the letters to the Planning Commission, the weeds between the building were taken care of and the trash that has accumulated from the construction work in the building was also take care of as well. Mr. Laney was here to answer any questions.

Chairwoman Furgal said this was a public hearing and asked if there was anyone in the audience that would like to comment on this item. Hearing and seeing none she closed the public hearing and turned the item over to the board.

Chairwoman Furgal said that this was one of the nicest places she has been to that nothing was done at all beforehand. It was exciting.

Mr. Laney said it should get better going forward.

Chairwoman Furgal said yes, it was very nice and neat and clean.

Mr. Laney said he has been trying. He is not in the building yet but he started doing a little painting too, he was going to paint the building and making sure the weeds

around the building, he had not realized that the strip between the building and the next building that had vegetation growing. Now he was aware of it he has taken care of it.

**Motion:**

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

1. Continue a building to no less than 17 feet of the front property line on Groesbeck.
2. Continue a building to no less than 5.7 feet of the north property line as per the plan.
3. Allow outdoor storage for landscaping material over 50% of the size of the building
4. Outdoor storage to no less than 20 feet off the Schoenherr property line, as per the plan.
5. Waive required greenbelt/wall along the south property line as per the plan.
6. Allow a 6 foot chain link fence into the front setbacks of Groesbeck and Schoenherr, as per the plan.
7. Allow the 21.3 foot maneuvering lane on the south side of the building.

Reason being: Size and shape of the lot, not a detriment to the area and would not have any unreasonable impact on the area.

Board Member Brasza supported the motion.

**Roll Call:**

A roll call was taken on the motion and the motion carried (8-0).

Board Member Becher	Yes for the reasons stated in the motion.
Board Member Brasza	Yes for the reasons stated in the motion.
Board Member Watripont	Yes for the reasons stated in the motion.
Board Member Vigus	Yes for the reasons stated in the motion.
Board Member Pauta	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.
Chairwoman Furgal	Yes for the reasons stated in the motion.

11. PUBLIC HEARING

**APPLICANT: Mr. Gary Oram, Infiniti Express  
Quality 1 Truck & Trailer Repair**

REPRESENTATIVE:	Kerm Billette PCP
COMMON DESCRIPTION:	27330 Gloede
LEGAL DESCRIPTION:	13-13-477-017
ZONE:	M-2 & R-1-P

**VARIANCES REQUESTED: Permission to**

1. Allow 27,105 sq. ft. of gravel for outdoor storage area as per the plan.
2. Allow 27,105 sq. ft. of outdoor storage for semi trucks and trailers as per the plan.

**ORDINANCES and REQUIREMENTS:**

**Section 17.02, Item (s) Paragraph (2): Industrial Standards, Open storage other than junk...** The designated area shall be hard surfaced and screened from the public street and any residentially zones areas... Further, the designated area shall not exceed 50% of the building size...

Kerm Billette, 38628 Warwickshire, Sterling Heights, MI appeared before the board and stated he was representing Gary Oram, owner of Infiniti Express Quality 1 Truck and Trailer Repair who has been cited for having outdoor storage of tractor trailers on gravel which was required by the board of appeals to waive if he wanted to continue this. The petitioner has had outdoor storage of trucks there on the gravel off and on for many years. It has become part of the business that he uses to repair trucks. The paved area there has only a few parking spaces available on the north side of the paved area. The rest of the area has to be used for turning the trucks; they come in and have to be turned clockwise to get into the building. The trucks either back into the building or move forward into the building. That was the reason there was not big parking lot out in the back on the paved area. They do not park the tractor trailers on this area. The petitioner has had pretty good success with the storage back there. He has had to level the gravel a couple of times and he probably would have to trim weeds and gravel leveled again. This was the only requirement that the zoning department has found for the property, just outdoor storage. If there are any questions, the owner was present.

Chairwoman Furgal said this was a public hearing and asked if there was anyone in the audience that would like to comment on this item.

Brian Febretts and Tina Monette appeared before the board and stated they were employed at Express Coat which was a business directly north of the petitioner.

Brian Febretts stated they owned the property at 27350 Gloede and share a common property line with the applicant. In response to the subject here the following information was provided in objection to permission #1 and #2. For permission #1 he feels the gravel base was not a sufficient base for a truck and trailer company. The weight of tractors and trailers over time will sink into the ground especially during the rainy and wet seasons. Because of this the applicant has already abused the property line and has trespassed on to his property by parking equipment on his strip of cement without their permission. The property has a concrete section that allows the tractors and trailers to sit on a solid base. The applicant's property should have the same concrete foundation for their own use. Access to his property was possible due to trailers being backed into an area of the chain link fence which over time has destroyed it by knocking it down. To verify that the fence was actually on his property he paid for a bond resurvey performed in May of this year. The cost of the survey was \$3,000.00 to have that done. A copy of the boundary survey was provided to the applicant. During the winter season when the snow was plowed the gravel and dirt gets piled onto his property with the snow. Once the snow melts he was left with piles of gravel and dirt and he has asked the applicant what could be done to avoid this issue and he told them that he would have someone clean it up. Currently these piles still exist on his property and have yet to be cleaned up and it has been over a year. During a dry season a gravel lot will cause dust and dirt in the air. The dust and dirt may be blown by wind into his customers parts while being loaded and unloaded while using outside loading dock area.

Brian Febretts continued and said that for permission #2 he feels that the lot size was too small for operating a truck and trailer repair company. There are four bays doors at the back of the building at 27330 Gloede where the truck and trailers are brought in for repair and or maintenance. The lot size does not allow sufficient space for parking and/or for storing of trucks and trailers. He believes this because trucks and trailers must be parked at an angle and overlapping onto his property in order to prevent blocking one or more bay door entrances. About two years ago this industrial area has had its share of vandalism, breaking and entering and trespassing. Express Coat has experienced all of these issues first hand. To try and secure the property he has installed alarm systems and has had scheduled repairs to the chain link fence. Numerous requests have been made to remove the equipment that trespasses onto this property and presently the equipment still has not been removed. The applicant acknowledges that the equipment is on his property but refuses to take any action to correct the situation. In fact the petitioner has stated that once the fence was replaced he could not guarantee that his drivers would not back into and destroy it again. In summary, the owners of Express Coat object to requests #1 & #2 due to the following. Gravel for outdoor storage was not a sufficient base for the business operating at 27330 Gloede, the lot size was not sufficient for operating the businesses that are being conducted at 27330 Gloede as well. It should be noted that the above statement was possible outcomes but actual events witnessed based upon two plus years of observation of the applicants truck and trailer operation. He had dropped off a letter to the offices of the board last Friday and did take a look at the site plan. When he looked at how the petitioner wants to position the trailers in the back, he does not feel the site plan and the trailers that he was storing were to scale.

Tina Monette stated also the site map that shows the building where she was employed was not to scale and it was missing a back section of their warehouse and of the loading dock that has probably been there for the past twenty years. Another thing she was concerned with were what repercussions would come out of this meeting and her and Mr. Febretts expressing their views to the applicant and she would see what happens.

Chairwoman Furgal asked if there was anyone else that would like to comment on the item.

Frank Shriner appeared before the board and stated he had been before the board earlier tonight. Gary Oram at 27330 Gloede was right across the street from his house and it has homes on the west side all the way across, about five or six on there. Mr. Shriner said he noticed that the petitioner wanted it for storage for semi trucks and tractor trailers. He has been living there all his life and he has seen the neighborhood change from good to bad and start to get good again. There were some pretty good factories down there that take care of the property pretty nice and try to keep it up. There are a lot of semi trailers, tractors that come down that street at quite a good speed and that was one thing that was bad. Another couple things, the factory at 27330 where they want to put the storage, they are storing the semi-trucks right on the side of the building and they can be seen right from his home and the other homes and they leave them running constantly. When they don't shut them off they shouldn't park them on the side of the building, they should be put in the back. He found out that the other factories that are adjacent to them are not allowed

to store any kind of semi-truck or tractor trailers, it is against the city ordinance and along that eastern side there were no tractor trailers being stored. This petitioner was trying to get this for maintenance but when you put all the tractor trailers in there it will turn out to be a junk yard. They are going to have to fix these and hauling them in with other vehicles and leave them sit and eventually most of the stuff was going to sit there. Right now it was going on in and out of the street, on the street, at different hours of the day, no matter what it is they are moving down the street and they are parking in there and they are not zoned for that right now. The other factories are not allowed to store any trucks for that. They can drop off the equipment for use but not for storage and the neighbors are not too happy about it. He thinks some of the neighbors have called and left messages at city hall and he thinks this is not a very good place to put storage for semi-trucks. He thinks it will just make it a junk yard like some parts of the city that the city was trying to straighten up now and make it look half way decent. If the business was just using these as their own trucks to operate their business and keep it going that might be a different thing but if they were just going to use it for storage and warehousing of trucks in and out all the time it was bad for the streets, it was bad for the city and it was not good for Warren and he hopes the board understands what he was trying to say here tonight.

Beverly Toozac stated she does not live in Warren but that she had an interest in this case as she boards here horses at the property near this. She asked to be excused of her ignorance of zoning laws and stuff but she did know that her understanding of the street signs was there were not supposed to be any big trucks coming down the street. She understands that the industry has been there for a while and she has even become surprised that the health codes allow this gentleman that has stacks of pigeons, cages of pigeons in his backyard and she called and found out that it was not a health violation and they are allowed to that. She has been involved with the property for seven years and the and the industry has been there for a while so she never really questioned it but this residential area, she does not know where the board members live but she thinks the board members would be really upset if these big semi-trucks were coming down their road, especially if you are paying road tax and they are destroying it. She does not know if there is a difference in the amount that the petitioner would pay or if there is a heavy vehicle tax that gets applied to residential streets if they are allowing an industry to come in but these people have to listen to these trucks. Many of the trucks come down the road exceeding the speed limit and it seems the speed limit should reflect the heavy machinery and be like 10 miles per hour and not the 25 and 30 miles per hour. There are families with babies and strollers walking down the street, especially with the farm there because they want to come see the horses. There are people on bicycles and have people walking dogs and now they have to worry about these big old semi coming down the road. Many of the industries have been so polite and considerate to the farm but she has seen these more recent vehicles coming in at excessive speeds and tend to come real close to people getting out of the vehicles on the street. There has been an enormous amount of cars parked along the road and she does not even know who they belong to so there is no concept as to who the people are that are coming in and out of this area where before people felt safe and now they do not even know where the people belong because they are parking all along Barber. There is no type of speed zone for the vehicles; there was no type of parking designation so people could identify what property the vehicles belonged to. The building across the street has a large parking lot and they know that all the people

are there for that business. There are people dumping stuff on the streets, dropping stuff and there just wasn't any control. For the board to say that it does not decimate the area or the appearance but she does not think the board would appreciate all the trucks coming down along their property. She knows that was just her opinion but she wanted to make sure she said it.

Chairwoman Furgal asked if there was anyone else.

Ron Katara appeared before the board and stated he resides as Palco's horse stables. It was basically the same complaint as all the others. When the Den-man petition was passed the gentleman said there were 300 trucks, and one of the agreements for him to be put in there was there should not be a problem with having his equipment stored here because there were 300 trucks a day coming up and down the street. He thinks 300 was a little exaggerated but yes there were a lot of trucks. That street was a no parking street period and what it was happening was that there weren't parking spots for the people at the landscaping company at the edge of the street at Barber and Gloede so they were parking along the north side of Barber and on Gloede. Semi-trucks are having problems making the turn and the problem was that the semis are coming in constantly from morning to evening and there was also parking for the head injury case, unique options which take up about six building in that area, they have been expanding greatly so off of Bunert there was a complete line of vehicles that are dropping head injury case individuals off in the morning and sitting there waiting for pick-ups with the semis coming around the turns, the people that are exiting that street there is no room to make the turn. He does not like the idea of having semi-trucks coking up and down also. There are a lot of trucks and he has probably 30 semi-trucks in his back and he agrees with the Express Coat that there just isn't room for these semis to be placed if you look at the setup of the building and the property behind it. None of the buildings back there can have parking either so if the board lets one person in it was just going to continue on. It would be a snowball effect.

Chairwoman Furgal asked if there was anyone else. Hearing and seeing none she closed the public hearing and turned the item over to the board.

Secretary Nestorowicz said there were four comments that came into the office. First one was a resident named Alexander Stone at 27150 Bunert left a message in the office and wanted his opinion on the record. He wanted the Zoning Board of Appeals to know that he was not in favor of the Infinity Express Truck and Repair. Bunert has enough traffic in the area and when he moved in he thought it would be a quiet neighborhood and now he sees more and more semi-trucks in the neighborhood every day.

Secretary Nestorowicz said another resident Julie Lenovich called and expressed concern about traffic and the number of vehicles and heavy equipment. The congestion of traffic was bad and rising. The truck noise begins as early as 6:00 a.m. she was not against industry but there needed to be a balance and consideration for neighbors. Some truck drivers are really good and creep or crawl when they see the horse out being worked however because of the air brakes on the trucks some truck drivers rev the engines over and over again for no regard to those walking dogs, children or the horses in the area. What about any proposals for a berm so that the

neighbors would not have to see all the vehicles and equipment. What about the effect on the neighboring property values? The neighborhood has changed so much in the last year with increased truck and commercial business. Please consider the residential neighborhood.

Secretary Nestorowicz said that Megan and Barb Mayhan called and stated they were against this project. Megan sleeps during the day and works during the night and she cannot sleep or open doors or windows because of the loud businesses. They have had trucks crash on their porch before and it was \$350.00 worth of damage and it was never paid for. They also do not want the high volume of semis because it is ruining the roads.

Secretary Nestorowicz said last, Marvin called and said there was too much traffic and not good place or intersection for this. There is not enough room and Bunert was not built to have this amount of trucks go through there. There is a sign that says no trucks.

Board Member Becher said she was over that the property this weekend and she made several notes on the plans. He wants to put tractors and trailers on his back lot that was gravel but she did not see any gravel, it just looked like a dirt lot to her.

Gary Oram said he was waiting for this meeting before the city to try and get the property cleaned up more. It was already gravel but he cotton wood was coming up right through it.

Board Member Becher said the part of the plan that says it was asphalt. The asphalt was broken and destroyed and needs to be replaced. Also along the side of the warehouse she counted big trucks parked on the south side of his warehouse where the truck well was taking all the parking that was designated for cars and they were in fact stacked and the other neighbor who was not present she noticed had a sign up in his lot that said absolutely no semis. It sounded to her that he was not being a good neighbor and actually from what she has seen and everything she would be very curious to know what the engineering department thinks of the property.

Gary Oram said the neighbor next door has no sign and that the bank has taken half of the building they are supposed to pay to help maintain the potholes and every year he has been paying for it.

Board Member Becher stated she had the floor and she would like to see the report from the engineering department because as of right now she could not really see this happening.

Secretary Nestorowicz said in taking a look at this property he actually thinks it was too small for the storage for the kind of trailer trucks he was asking to have back there. Based on, it was hard to tell about the property lines or fencing, it was like when you hear about neighbors that was talking about trucks that back into their side of the property line he actually sees that as not being a good neighbor to them because his trucks should not be on their side of the property line and honestly if a new fence was put up, he was very concerned when he heard them say that he would not guarantee that his drivers would not back in and destroy it again. Personally he

thinks the fence was more his responsibility than it would be theirs, his drivers should have the responsibility not to, if they can back in and destroy a fence then that tells him that they probably do not have enough room to turn around and park their trucks in there.

Board Member Pauta said that on the application it says that the hardship was the ordinance requires hard surface parking. That was not a hardship to her that was a required item that the City requires for semi-trucks, especially on gravel which she did not see gravel either. She did not see a hardship here other than what was being self imposed. She was not in agreement with.

Board Member Descamps asked the petitioner if he charged for storage of tractor trailers.

Mr. Oram said no.

Board Member Descamps continued and said so he was saying that 30 tractor trailers were there for him to work on all the time.

Mr. Oram said yes. Some are his own trucks and trailers that he operates.

Board Member Descamps asked if he was aware that his drivers hit the fence.

Mr. Oram said that the neighbor that filed that complaint has been there for two to three years and he filed a complaint with the city because they have no occupancy permit, they are a new owner and the garbage he was talking about that he plowed there, that garbage has been there. They just started to clean their weeds up a couple of weeks ago; they had a guy there with a hand clipper that just threw it on the pile to make it look like junk. That was his property there and he did not push that gravel or whatever, it has been there. The fence was 80% down and when he was parking his cars there the fence was catching the tires of the tractor trailer and pulling it because it was already down. The guy has been there for already three years and has been going at with him for the past two to three years, actually since he has been there. He has been trying to be nice with them and nice with all the neighbors, including the neighbor that has the sign that says absolutely no semis, that was just that property. There is a landscape company next door that was all gravel and there was another building that they just took over and was not doing well, it used to be the recycling place that was 80% gravel, the dust does blow. Where it blows from, it blows from all the properties around there. The neighbor that was complaining, literally complaining they have no certificate of occupancy and they should not be there. Someone is going in and out of there all the time. His yard was big enough; it was 140' x 740'.

Board Member Descamps said he was not in favor of storage on gravel.

Mr. Oram said there was only 100 feet of gravel and that was the reason he wanted to clear that up so he can pull the trucks and trailers.

Board Member Descamps interrupted and said the applications said 27,105 sq. ft.

Mr. Oram said it was 105 feet from the asphalt to the gravel. The rest of it was paved. He did tell the neighbors that he would clean it up and they started doing some cleaning now. The problem right now was that he was waiting to see what was going on, because the hearing kept getting delayed or the city was asking for other stuff so he knows exactly what to do in the back over there.

Kerm Billette said that one thing that should come to the floor was Mr. Murphy has put several things on the property that the property owner should do. Clean up weeds and strip the lot and so on and so forth.

Chairwoman Furgal said here was the thing, if he told you to do those things they probably should have been done before coming to this meeting because she went there today and the trailers look like they have been sitting there for years. She thought the place was abandoned. The building was very shoddy looking, there were weeds growing everywhere, this afternoon, today. She was surprised with all the weeds in the back by the railroad tracks and also he has on the drawing, trailers on the railroad easement, he could not put trailers on the easement that was not his property. So, there are things that should be cleaned up so that he could do some work on the property that should be done before he was given an approval she would think.

Mr. Oram said he has estimates on the ceiling, he has given approval to the work but he has other buildings that he owns in the City of Warren and the guy was finishing that job before he moves over to this building.

Chairwoman Furgal said he should have come here and asked for a rescheduling because he was putting the cart before the horse.

Kerm Billette asked if this item could be put off for 30 days he was sure the owner could clean up the property and do the proper things that have to be done to it.

Chairwoman Furgal said that means fixing the fences, fixing and making sure that the trailers that are there are not just junk because most of them look like they were very old and not used the way they were parked, they were grown up in the weeds. If he has gravel and he wants gravel it has to be taken down about 18 inches that way he would not have things growing in it.

Mr. Oram said there was about a foot in there.

Chairwoman Furgal said she did not think so because if it were it would be better. She does not think he would get an approval today so if he would like to ask for a rescheduling.

Board Member Watripont said he was hearing what he was saying about the gravel and the weeds growing through and everything but it was his property, he should be taking care of that throughout each week, each year, that should not be building up so that it was becoming a nuisance. He thinks that was what it has become. He does not think a month will get in shape, he thinks he will need more than a month because he needs to spend a lot of time out there and he could not approve this right now the way it was. Those were his opinions.

Chairwoman Furgal clarified if he was asking for a rescheduling or not.  
Kerm Billette said yes please.

Board Member Pauta requested that the rescheduling be for 90 days because the work that has to be done was just incredible.

Chairwoman Furgal said 90 days was fine with her and asked the petitioner if it was ok with them.

Kerm Billette and Mr. Oram said yes.

**Motion:**

Board Member Pauta made the motion to reschedule this item to October 8, 2014.

**Voice Vote:**

A voice vote was taken on the motion and the motion carried (8-0).

12. PUBLIC HEARING

**APPLICANT: Islamic Organization of North America/IONA**

REPRESENTATIVE: Hisham Turk/Arch.; Steve Elturk/IONA  
COMMON DESCRIPTION: 28694 Ryan, 28630 Ryan and 28805 Walker  
LEGAL DESCRIPTION: 13-17-101-008; 13-17-101-033 & 13-17-101-021  
ZONE: C-1 & P and R-1-C

**VARIANCES REQUESTED: Permission to:**

1. Convert an existing commercial center that was built to 13.2 feet of the north property line; into an accessory use for a religious center.
2. Waive the wall/greenbelt adjacent to residential on the north and south property lines.
3. Permission to allow a six foot PVC fence on the north and south property line to no less than 15' of the front property line on Walker and allow a playground in the setbacks.

**ORDINANCES and REQUIREMENTS:**

**Section 5.11 Items 8, 9: Churches...** Front yard setback of not less than 30' and two (2) side yards setback of a not less than twenty (20) feet.

**Section 4D.39:** Location on non-residential uses: Shall not extend closer to the front lot line than the established building line or front set back line.

**Section 5.11 Item 5:** Six foot wall or eight foot greenbelt provided where it abuts a residential district or residential use.

Hisham Turk appeared before the board and stated he was the architect that was working with the organization, Islamic Organization of America and Steve Turk was present with him, he is the President of the organization.

Steve Elturk appeared before the board and stated he was Imam and President of the Islamic Organization of North America, IONA and he was here for variances for the building setback 13.2 feet and also to waive the poured concrete on the empty lot and to have a PVC fence instead with 15 feet off the front of the property.

Chairwoman Furgal asked what the hardship was.

Hisham Turk stated the site was existing and the buildings were existing buildings and the IONA has existed in the south building as shown on the site plan and they are expanding and have purchased the north part of the property that was a commercial building which they can use as it is for other activities like lecture rooms and youth activity center and some other uses. Also they are adding part of the new property that was on Walker Street which they would like to use as a playground area for the children of the families that come to this building. The variances they were applying for on the commercial building which they were adding to the organization to be set back from north property line to not less than 13.2 feet and also for the variances for the property on Walker to be, he knows that was supposed to be fenced, actually proposed to put in a six foot high concrete wall first but found out it would pose some drainage problems and it would not look good. That has been changed to pvc fence which would not cause a drainage problem because the footings would not be all along the property like that, also they were going to set back the fence from the Walker Street 15 feet for the safety issues from any of the immediate neighbors and their driveways so they can see the sidewalk and the street. Of course they would take care of the 15 feet after the fence with landscaping.

Chairwoman Furgal stated this was a public hearing and asked if there were anyone in the audience that would like to comment on this item, keeping mind that there may be a number of people wishing to speak, and it would not be necessary to repeat themselves, simply state any objection or support and return to their seat. Please remember to state your name and address for the record.

Joseph Hunt 8306 Stanley, he was at the June 30, 2014 planning commission meeting which there was much discussion regarding the site plan. The site plan was approved although it has to come before this board for the zoning variance. He researched into the specific law that allows this to happen and it was called the Religious Land Use and Institutionalized Persons Act of 2000. There have been a lot of cases that have gone through here in Michigan that would be looked at and he was not certain if the city Attorney had informed the Board of this particular Federal Law. He supports this particular use and the IONA investment into the community and he understands their intention of providing a playground adjacent to their existing properties. He believes that the organization have been wonderful members of the community as far as he was concerned and he was for this.

Mary Lou McCallough, 28092 Walker appeared before the board and stated there were zoning ordinances for a reason, to protect the neighborhood. The neighborhood along Walker Ave. was a peaceful one and there are many kinds of neighbors here, different ages, different races and different ethnic backgrounds, all looking for a safe and quiet neighborhood to go about their daily living. IONA was asking for the board to disrupt this dynamic, they wish for the board to rezone property at 28805 Walker for a commercial use. Using the guidelines in section 20.24 of the appendix to the code of ordinances there are five criteria that the applicant has to demonstrate. First the property cannot be used as zoned, that is non-sense, the property was zoned residential and it was the same size as the parcels that are adjacent to it. A house similar to other houses in the neighborhood could easily be built on this property. If IONA was willing to build a residence on this lot, she was sure that the

neighborhood opposition would vanish. Expecting a residence on property that was zoned residential was not unreasonable or arbitrary as required by the ordinance. IONA's claim does not meet these criteria. The second criteria was not self imposed. Since the property was vacant all along and it was not their fault that it was vacant she feels they do meet this criteria. The property was unique. There is nothing unique about this property; it has no unique features or characteristics precluding an erection of a residence in accordance with existing ordinances. IONA's request for variance does not meet these criteria. Saying that it was not a detriment. This would definitely be a detriment to the neighborhood as a whole due to increased traffic up and down the peaceful street. To demonstrate the neighborhoods determination to cut down on traffic, left turns onto the street from 12 Mile are prohibited during peak traffic hours. In particular the neighbors adjacent to the proposed playground would be subjected to increased noise and traffic along with less privacy. The fifth criteria, was the variances necessary? Again, no it was not necessary that the variance be granted for the preservation and enjoyment of the property. IONA's request does not meet these criteria either. IONA's plan for a private playground supplementing their religious facility accessible only to their congregation do not blend in with the essential character of the existing neighborhood. Using the criteria in section 20.24 IONA meets only one of the five requirements and should be denied their variance.

Karen Spranger appeared before the board and stated she does not live in the area but she sees it as a coin you have the heads side that does not like it and the tails side that don't like it. When you talk about law, law was the question that goes to court. Law does not come before the Zoning Board of Appeals. The law of the ordinances were clear. She knows that sometimes state law was always violated because the City still done snot have a master plan. How long was the city violating the state law? In this scenario, she would use the word reasonableness. What was going to be reasonable for both sides to sit down and actually look at the issues that are before them? The fake issues that they are talking about are not the real issue, when looking at the wall that was going to be a real sore thumb in reasonableness because as an outside that does not live in this little community, but lives in the south end of Warren which is the poorer neighborhoods and has no walls, in fact has a lot of vacant land and discrepancy in her habitat. A lot of the religious groups, she respects their religions and she respects how they believe in what they do, but when they see property that is not giving them enough space to give the needs that they need to expand within reason that was what reasonableness means. So, if it is not going to blend in, fit in, she does not think that religion was made or God said you have the right to take the land and use it as you see fit because that was the law of the Federal Government. That was not being reasonable, God was loving and kind. Now was this a necessary project for the kids to play on the playground? Does it have to be that size, why not compromise and look at the fence as a reasonable object that looks aesthetic and not be so tall? The variance was all about the property. When making an investment, a lot of money gets invested and money talks, so the people that don't have the money to fight it because this will be a little war. She thinks it should go to court and the ruling of the jurisdiction of the grandfather law because the citizens that have the property that is residential, nobody did the homework on the assessing department. What does the City Assessor say? Where are they today, if a variance can be made under the authority of the tax commission? This needs to be tabled and if the board wants to be fair about it and be reasonable look at the facts that have clarity in the issue, represents both parties to the best

possible way and she thinks everyone should sit down and talk to each other, a good old town meeting always resolves problems and sometime a diplomat is needed. Where are the diplomats? Thank you.

Mark Teklinski, 28401 Walker Street, appeared before the board and stated he was appalled that someone would try to raise the issue that this was a civil rights violation. People on Walker Street are from all different nationalities, religions and they have been living there happily without any conflicts or confrontation what so ever. This was strictly a question of what would happen to our property and what will happen in the future if this petition is allowed. The board might consider that for the betterment of the community and for the better of the area where he lives. Walker Street has been known for many years. For many years, he has been living there for 50 years and that has been a gem of the community. If you mention to someone in Warren, Oh on Walker Street that was near Walker Woods, what a beautiful community, please do not destroy that community but passing this ordinance. Thank you.

Rami, I live in Warren for 35 years and all that was being asked was for a place to worship and a place to teach our kids. All that talk about property going down, that property would go up because more people would move to the area. They are religious people and all that they want was a place to worship and show our kids. They are not against liberty, they do not kill, and they do not steal and do not attack people. They don't do anything. The traffic on Walker, they do not go down that street, it was out of their way. He does not know why they cry or worry about; all that they were asking was for was what everybody already has. All the schools in the area have playgrounds next to residence. That was our right, they are citizens and they own property and pay taxes, they want they're right like everyone else. Thank you.

June Krieger, 4438 Larksbury in Palmer Woods Estates appeared before the board. She stated she received the notice last month about this meeting and attended in June. She went home rather angry because there were three different people that came up here and spoke of racism because that was what they felt they were hearing. She did not hear it once, what she heard was what the elderly gentleman spoke of earlier, his property values and his peace on his street. The same concerns she has on Larksbury. When she first got the letter she went over to the IONA center to see what the request was about and it happened to be a Friday. The parking lot was jammed full and there was one parking space that she could turn into to get back out onto Ryan Road and it took her five to ten minutes because of the cars that were still coming in and she does not know where they found a spot. It had to be in behind their buildings. The point she was making was that while she sat there, she was in a handicapped spot and her car was handicapped, so she felt safe being there, as she sat there, she watched fathers with their little children by the hand coming across Ryan Road. They had to stop in the middle of the road for the traffic and they were going to the prayer meeting. She could not believe the danger of it and when she came to the meeting and heard an elderly woman who owned the property across the street speak of how her tenants in the building could not park she thinks the main problem here was when they were granted the building, purchased it, parking was not taken into consideration. As she understands there is some type of formula that when moving into a building there was to be the allotted spaces to accommodate that building and these people do not have it. If they have grown from 200 fami-

lies to 1,000 families, extrapolate the number and it was pretty big. She was really concerned not only for the people of their faith and their worship center, how safe was it for them. Also, for the people of Walker, there was excessive traffic and it makes it difficult for them. She thinks the board needs to look at how they were granting the purchases of these buildings for religious reasons or whatever but she thinks it has just grown too large for the space that they have. She wishes them well in their faith, she has a faith too but at least when she goes to church there was enough room for everybody to park. She thinks the board needs to consider in the future how they are going to grant these allowances and she just cares for the people of Walker. They have a great concern for their property and she does not blame them a bit. Thank you.

Thomas Lapaige, 28804 Walker, directly across the street appeared before the board. He stated as far as the five points, the property can be used as zoned, a house could be built on it, typical of all the other houses in the neighborhood not affecting the status quo. Second point, he could understand the point there. The property being unique, no, it has just been vacant; it could have a house built on it and blend in with the rest of the neighborhood. The fourth point, not a detriment, granting a variance to build a wall or privacy fence around the playground would be a detriment to the neighborhood, out of place and it would impede air flow slightly, at six feet tall. There would be additional noise and he believes the existing property values in the neighborhood would drop. Most home buyers he believes like to buy a house in a homogenous neighborhood and with the wall being built it would not be homogenous with the rest of the houses in the area. Some people said it did not matter who was building this, he does not care who it was, Bill Gates could be asking to do it and he would not want the playground there. It would be out of place, the church has grown and that was great for them but it sounds like they need to get a bigger piece of property somewhere else, because they are hurting for space and he wishes they could grow taller but that was probably against Warren codes. He hopes the board does not pass this.

Madilyn Lapaige, 28804 Walker, appeared before the board and stated in 1988 her husband and her both lived in Warren their entire lives and both graduated from Warren schools, looked for property to build their new home. They found a piece on Walker, Walker is a beautiful street and they have wonderful neighbors and a variety of ethnicities, it was peaceful loving neighborhood, where people care about one another and Walker was a wonderful place to live. She picked Walker, lived on Walker for 25 years and the question on the property on the agenda this evening was directly across the street from her. For 25 years that has been a vacant lot, granted it has not been very well maintained over the years but it has gotten better. However, she lives directly the street and she was getting to retirement age that she hates to say but she was and her husband and her may be looking to move in the near future and she was concerned about her property value if there was a fence there. This was not a racial issue, this was not ethnic issue and it was not a spiritual issue, for her and her family this was a financial issue. She does not want to stare at a fence directly across the street from her home, she was concerned if she does sell her home what the property value would be. She strongly encourages the board to seriously consider the wants and needs of the neighbors on Walker Ave. Thank you!

Chairwoman Furgal said thank you very much and that she was going to close the public hearing now because it was starting to get repetitious and the board has had no opportunity to ask questions.

Roxanne Canestrelli, City Attorney, said the public hearing must remain open as long as people were present to speak.

Chairwoman Furgal asked if there was anyone else to speak. She asked that the speakers form a line so she would know how many people were left and asked the speakers to refrain from repeating themselves. She has already heard all the reasons.

Gail Sobacki 28656 Walker appeared before the board and stated he has lived there for 40 years and he has lived there for a reason 40 years. It was not only a community that was very diverse; it was a community of veterans, seven of them with 300 feet of this property in question. He asked could they not just live in peace and quiet. They do not need a playground on the property. Furthermore, they keep bringing up the petitioner did, about Federal Law. Yes Federal Law pertaining just to the church, not the playground. Thank you.

Jeremiah Wallace, 28686 Walker, appeared before the board and stated he was opposed to the playground and what he does not understand was that less than quarter mile away, there was a playground. Why can't all of the kids play together? Thank you.

Joe Kinred appeared before the board and stated he lives directly, 28685 Walker, directly behind the IONA Center. Warren was pressured into zoning IONA in 2006 so it could open with an original count of 250 families and cars. Now IONA has expanded into 1,000 families and cars. He could not do anything about IONA expanding into the commercial expansion but into the residential, the City could do something about that. After taking a 30 year mortgage and a new neighbor moving in he was possibly faced with having to look at an eyesore of a concrete wall that would change the character of the neighborhood and possibly having the property values lowered, which he has proof of. There was another possibility, the property of the neighborhood has the width and depth for a home, it would blend into the residential zoning code and could be used for a home for Mr. Elturk so he would not have to live in the commercial building and he could come join the neighborhood. Also the playground could be placed in the back of the house and there would still be a lot of room for the kids to play and it could be surrounded by the privacy fence. The neighbors want a home. Thank you.

Achmed Ismail appeared before the board and stated for the record he lives in Troy. The same reason brought him here today as this was his place of worship. He was a mediator for domestic violence and for general civil cases and he volunteers for the County and all the courts in the County and the District Court and Detroit too. He really heard some great comments, we all live together and the comment to sit together and resolve the issues and he was focused on a few of the issues. It seems like the playground was an issue and as the neighbors need to preserve that, there was no way that his organization, or his religion or his feelings as neighbors to each other than he would allow the financial values to go down. He would work all he could do

to raise that because they also own houses and his cousin owns a house in Warren close to the property, so they want the financial value to go up and not go down. All churches everywhere, all religious complexes do have playgrounds. If the issue was the size, that he could sit down and talk about, if the issue was the fence that could be resolved. Please the issue was not clapping or being emotional. The focus on the real issues was financial are true and everything that has been done for the plan to do everything was going to raise the value, was going to bring all the codes up better than what was existing today. The parking was an issue and definitely they do not want to disturb anybody and please he was requesting the authority, if somebody has made a disturbance using the car, parking in the wrong spot, they get ticketed just like anywhere there were no differences and they would never tolerate that. Please if the issues were parking, there was enough parking now, bigger, totally the place was bigger, the playground again they could talk about it and they talk about the fence, but please this was a place they would like to worship which was all they wanted to get together. He would like the board to consider and focus on the issues and help them, give them a chance to sit down and resolve the issues of the community as suggested before, that was a good idea. Please if the board can, conduct business tonight and it would help them move forward from that point. Definitely he can assure the board that the organization would never try or even try to violate anybody's rights or anybody's fear of not being safe which he heard which were some words that really could be emotionally not really part of the issues. Thank you very much for your time.

Jonathon Kaufman, 28542 Walker Ave., appeared before the board and stated he would not repeat himself on the zoning variances, everyone has heard that enough but the implication that the residents on Walker are trying to inhibit this because of religious issues was just completely insane. The residents have no issue with them building a church or sprucing up the area. The concerns were with a concrete wall or PVC fence being placed into a residential area and having to be faced with that every day.

William Antune, a member of the organization appeared before the board and stated his family lives in Warren. He was born in America and his family was probably more generations than most of the people here that are complaining and seem to have a problem with the Islamic Organization. He needs to address some of the things that were said to clarify so that the board has a full understanding. No one that comes to the mosque uses Walker to drive to the mosque, no one, not on Friday, not on any day. There would be no need, there is no access and the street was behind the mosque. As far as the comments about traffic and things on Friday, he actually monitors and regulates the parking on Friday's and there were not any kind of crazy issues that have not been addressed. Normal traffic as it would be on any other day of the week, Ryan Road and Twelve Mile was a high traffic area during rush hour. The neighbor next to them Sarah, has no issue with the organization, she likes them a lot. He thinks the issue was if he had a house there on that lot, he would want a privacy fence away from some of the people the way their attitudes are. He hears the comments about Walker being multi ethnic and all he sees was white people coming up here and saying how non-racist they are and making comments about, that have nothing to do with the organization. He wanted to be understood that the issues have nothing to do with this.

Disruption from the audience took place.

Chairwoman Furgal stated the board would take a break because of the crowd disruption and the board would come back.

Roxanne Canestrelli, City Attorney said there needed a motion for a break.

**Motion:**

Board Member Watripont made the motion to take a break and Board Member Descamps supported the motion.

Chairwoman Furgal asked the audience not to make inflammatory comments either way.

William Antune asked how anyone was supposed to feel when people say that and it was a precursor.

Chairwoman Furgal said that everyone has right to make a comment. She was going to take a break, the boards rules were that they could take a break, she can remove the disruptive people or adjourn the meeting and she does not want to adjourn the meeting because she has other items to hear. She would rather have this meeting go smoothly and the board be allowed to ask questions because the board has heard a lot of stuff from the audience.

William Antune continued and said there were two other points that he wanted to mention, the playground would be only used during certain times, very limited and again it would not be accessed through Walker.

Chairwoman Furgal asked if the board could ask their questions.

William Antune responded of course ma'am.

Chairwoman Furgal said no, the board would take a break and she needed a motion.

Board Member Watripont restated his motion to take a break and Board Member Descamps restated his support.

Chairwoman Furgal stated the board would take a break until 10:00 p.m. and that at 10:00 p.m. the board would come back and she would ask the audience to please be respectful.

**Voice Vote:**

A voice vote was taken on the motion and the motion carried (8-0).

The meeting recessed at 9:50 p.m.

Chairwoman Furgal reconvened the meeting at 10:00 p.m. and asked if there was anyone else that would like to speak on this item to please come forward. She re-

mind the audience that there were other items on the agenda and that the board still needed to ask questions.

Alexander Andrian appeared before the board and stated he owns the property or the house next to the vacant lot here on Walker. All he has heard today was religious and as far as the community was concerned the street was diverse, no body checks that minority box darker than he does and he bought the property a year ago and there was a vacant home next to him and that was fine, but constructing a six foot vinyl fence and changing a residential property into commercial from an overall value point was not good. There was proof from realtors that state anything less than a single family home would devalue the property. He was a mechanical engineer so that was not his profession. He has talked to realtors that have submitted their opinions and it was their opinion that it would devalue the property. Now, a six foot fence when he lives in a colonial next door, a six foot fence would reach the bottom of the first floor window that would be like two chairs missing out of Comerica Park, it just wouldn't matter. His privacy would be totally compromised, foot traffic, vehicle traffic it was just not good for the community. Now building a single family home, perfect that was what the neighborhood was looking for. All he was looking for was separating commercial from residential. As far the harmony of the community, it was great, it was diverse, older people, younger people, there was everything here and it was a great community. Thank you.

Board Member Becher asked for the floor.

Chairwoman Furgal said the public hearing was still being conducted.

Board Member Becher stated she understood that but she thinks the applauding needs to stop and people need to stand up and get in line so the board would know how many comments there were and maybe bring this along quicker.

Chairwoman Furgal said the audience needed to stop the clapping and finish the public hearing please.

Jason Boytovich, 28390 Walker, appeared before the board and stated with the capacity of the religious facility going to a 1,000 families and the average family in this country being about 4 people, that would put about 4,000 people inside the small section of buildings over there and he believes that may be a violation with regard to the Fire Marshal in terms of capacity of the building at one time. He would like to have the Fire Marshal look into that on the busy days if they could please. Thank you.

Chairwoman Furgal asked if there was anyone else that had anything different or unique to say.

Henry Riekner appeared before the board and stated his family has an interest in a house on Walker. His father passed away and he lived in this community for 54 years. He was not going to repeat any points but he was going to bring up some interesting points that he looks at as an electrical engineer, analyzing this from a more non-emotional basis. He thinks anybody whether it was the police or the residents or even just the people trying to go to the tech center on certain days around noon and

also in the evenings when these meetings occur, it was almost as if Ryan Road were completely congested. He didn't think an emergency vehicle could get through there at certain times. When he looks at things logically as an engineer and he based his decisions on the laws of nature and facts, he looks at the traffic flow on the road, so if that was going to be a playground how would the children get dropped off? He thinks there would be a temptation to drive down Parent Street which was directly south of the particular church because that was the only other option other than the parking lot that was generally congested most of the time. With that being the case and all the traffic on Ryan Road, people are turning down Parent Street, they have no other alternative than to go north or south on Walker. He does not even think it was a point of argument that Walker would not be used as an egress route for dropping off the children. As far as the property that was north of the church, he owns two pieces of property in the Warren and he takes pride in his property, he takes care of the grass that was out on the street that he doesn't even own. His other house was directly across from Shaw Park, the house with the hedges. He takes care of his property with pride and he wants to tell the board his parents were immigrants, they came to this country from Europe in 1956 and they were proud to learn English and to assimilate to this country and to work together as a community to try and have meaningful conversations and not to deviate off the track like federal laws, because federal laws were not going to change the width of Ryan Road, the width of Parent Street or the traffic that was going to north and south on Walker when this happens. The other thing he thinks that the proof was in the pudding. The petitioner was given permission to move into that location and he could take a look at the strip mall that was directly north of that church. Ask yourself with common sense that everyone has and was it really good for the community, does it look nice was this enhancing our lives. There was at one point and time five to six businesses there just as they exist on the west of the road. The businesses were viable and provided services like nail cutting, and hairdressing like the west side of the road. Now it was vacant, basically if it looks vacant, it may not be vacant, but there was a reason it looked vacant, because if someone wanted to have a hair shop there they couldn't open it because there was no place to park. That entire area has been taken over even though he doesn't see any viable use for it, there was no signage there, it hasn't been painted, and it hasn't had a façade put up so that it would look nice. It was an eyesore and he was upset about that. He understands that it was difficult economic times here in Michigan so have to deal with a lot of things, the gas station on the corner also was vacant and the area was trying to deal with that. He was here strictly on point four and he was not repeating himself and he did not think that anyone else brought this up as far as the common sense issue with how all the cars were going to approach the building as far as an egress path. A simple way to solve it was take a traffic engineer and put a counter out there with a network video recorder. It would not need to record the activity at the church but it would record the traffic as it goes into that area and what the count was on the road. The other thing about church was, his parents were catholic but that doesn't matter because what makes the United States strong was diversity, but the other gentleman mentioned that he drives from Troy to Warren to go to this church. He grew up in the south end of Warren and went to Schofield Elementary School and he went to Warren Fitzgerald High School and he attended St. Mark's Church which was a mile away from his house. So, he was curious to know what area of Michigan was this church looking to serve. If the gentleman was driving from Troy all the way to our city, how many people are driving from Rochester Hills or Taylor or where ever. Common sense would tell you that, in the Catholic

Church, Baptist church, whatever the church was, if the church was popular and a lot of people are going there, and then another church would be built. This area cannot handle every single person that wants to worship this particular religion in this particular little neighborhood. That was the way he looked at it. In summary, he said to focus on the facts at hand as far as safety consideration, even the children of the parishioners that would be attending this church. Already so much traffic on Ryan it really was not even a safe place for a playground. He would not want his 17 year old boy walking up and down Ryan with all the cars that are coming in and out of there. People drive aggressively and there was already tech center traffic and the board knows what that was like, for God sakes the road was worn out. This was all going to be added on top of the tech center traffic that was there religiously at 8:00 a.m. and 4:00 p.m. when they leave and they are all going up and down 12 Mile Road and trying to get to I-75 and now this traffic all on Ryan Road, anyone that lives in Warren knows that Mound and Van Dyke are places to avoid during rush hour. He thinks everyone should look at this from a more loving approach as far as just focusing on the facts, there was no need to deviate to federal law when they haven't even spoke about the basic here. The topic of race came up, federal law and intimidation factors where people are more or less coming up here threatening like the federal law says this and the conversation hasn't even been had yet and there was already arguing. That was not how America was built. Look at all the stuff going on around the world, it was all about trying to look at the fact limit the emotions and not deviate to the topics that do not pertain to the traffic, the width of the road and the children. This was a playground and there was already so much traffic and there was no pride in ownership from his perspective because the board could drive by that location tonight on the way home and take a look at what that north commercial area looks like. It was not a benefit to the neighborhood. It really was just vacant property and he does not know what the future was, would it be torn down, were the rooms going to be used, they are not labeled and to him it was like a strip mall and yet there was nothing there and that was the result of the prior decision that was made by the board to allow the church in there. Talking about the count and safety with this building and fire code, but come to Warren to get approvals to move into a building for 250 people and he does not think it was as high as a 1,000 but he knows it was for sure higher than 250. He looks at it logically and ask has it already effected the foot print of the neighborhood and yes it has, just look what has happened to the north shopping plaza. The plaza was now all vacant and there was a reason for that and like he said before, because in order for someone to sell their product people have to drive to the business and would need a place to park and with the church there it was not possible.

Chairwoman Furgal reminded the speaker that he had said that already.

Henry Riekner continued and said that the point he wanted to make was to focus on the facts and that there were a lot of facts here that prove it has already been a detriment to the neighborhood and to see that all anyone needed to do was look at the commercial property to the north.

Chairwoman Furgal asked if there was anyone else.

Reverend Roger Falcone, Pastor of Mt. Calvary Lutheran Church, 8129 Packard, Warren, appeared before the board and stated he wanted to come this evening as

he had attended the Planning Commission meeting to express his churches support of IONA and that worshipping community. The churches do a lot of partnering with residents that live in his neighborhood as well as residents that live in the IONA neighborhood and he just wanted to indicate publicly his support for the many, many community activities and involvements that he knows the Imam and his congregation have here in the Warren community and he thanks them for that. At the same time as he has listened tonight too many of the comments, he noted that there were three variances requested and he thinks almost all of the comments have directed themselves toward number 2 and 3. The issue of the playground in the vacant lot. He does not know what would become of that part of the discussion but he noted that number one on the variance list, converting the existing commercial center that was 13.2 feet of the north property line seems to be an item that was a part of the group that was requested by the applicant and he would hope that item would find its way through the board even if the other two need more time for discussion. Perhaps some neighborhood discussion with the applicant and the neighbors but he would hate to see everything put on hold and he just wanted to express his feels about that. Thank you.

Ed Turonik, 28854 Walker, appeared before the board and stated he has a daycare next to his home with a playground and it was smaller than what the applicant intends to build and the noise was terrible all day. There is a playground on Martin in the park and he really does not think another playground was needed on the street. Thank you.

Mohammed Sherif, Warren resident, appeared before the board and stated he had just heard from some of his good neighbors that they have some issues. He has already showed them before and he would show them again that it was going to be a problem for them. He also heard about traffic issues and he requests the police department, please keep an eye on Walker Street and if they see any illegal parked cars, tow it and ticket it, it was not members of IONA. Trust him it was not members of IONA, anywhere on Ryan or Walker Street, if they see any illegal parked, tow it. The other traffic issues like traffic blocked are the cities, not only Warren, especially the commute time. He does not think it was IONA, the commute time always, as the gentleman just pointed out, the noise all day, they do not stay at IONA all day. There must be some other noise. He was here with the peace and love. He said it was practical for his neighbor to deal with them with peace and love. Thank you very much.

Ruth Seymore, 7223 Weigand, Centerline, surrounded by Warren, appeared before the board and stated she did not know how many people in the room were as old as she was, 57. She was encouraged by the nature of the discussion she was hearing here tonight. In the 1980's she was a religion writer for the Free Press and the discussion about I-696 going through the Hasidic Jewish Neighborhood of Oak Park was very passionate and not as civilized. She thought she would say that even if the people here are not as old as she was and remember that that it took years for I-696 which she knows.

Chairwoman Furgal asked the speaker to please speak on the item.

Ruth Seymore asked what?

Chairwoman Furgal said please speak on the item.

Ruth Seymore said she was sorry, speak on what?

Chairwoman Furgal asked her to please speak on the item the board was hearing and to be more specific.

Ruth Seymore said she was about to be. She continued and stated what happened in the discussion between the Hasidic Jew community and the proposal for I-696 was that there was negotiations that she covered for the Free Press and now there were these beautiful parks over the freeway. It was probably the most beautiful piece of freeway above ground in Michigan because the community held together and said they wanted to be able to walk to their place of worship. The State held their ground, the neighbors and everyone held their ground but they talked. There was potential here and something beautiful both physically and otherwise could come out of it. She thinks tonight has been beautiful in a way because it has not been ugly.

Chairwoman Furgal said there were some letters that had been submitted that the Secretary would read into the record.

Secretary Nestorowicz said four letters were received.

Tonas Chiporney, 28845 Walker appeared before the board and apologized for his delay and stated his comments were not meant to be repetitive. The community members were going pretty much on the City of Warren code of ordinances, applications and instructions as the board knows. Section 20.24, he just wants to make three points that have not been brought up. Number 1 says the property could not be used as zoned, he begs to differ. The applicant would like to Zoning Board to agree that 28805 Walker would not be use, but as the board reviews it says the property cannot be used as zoned. Number 2, the common description of the property at 28805 Walker was the one in question. No one in the community has any objections to the mosque or free worship that was what makes, part of what makes America great. It was the intrusion into the residential that was the issue. Another point was not self-imposed, and it has not been brought up. Citizens here in Warren say that the lack of parking has become a hardship to IONA and it has been self-imposed because of their expansion there was no place to park. What he was asking was the fact that if they consider the residential property was to be rezoned, what has been said was playground, playground, but what was to stop that in three months or six months from that playground disappearing and a parking lot going in there. He thinks that was the big concern of the community. One of the comments was that the traffic was normal on their worship. He lives right behind the mosque and he took pictures on a Friday and if he could submit the pictures for the board to look at and review, he did not need them back, it showed that it was not normal traffic. His final point was that he wants to be good neighbors and work together, wants to go ahead and have alternative plans. He wants to go ahead and not be racial and not be prejudice and so the board should offer a give and take. That was what the residents were asking for, a give and take, not something that was a fore drawn conclusion that was already determined. Thank you very much.

Secretary Nestorowicz restated that four letters had been received by the Zoning Board of Appeals. First one, he was not going to read because it was from the LaPaige's and they spoke here at the meeting so their comments are on record. Two were submitted without addresses from realtors talking about the property values and the fourth one was from Amy Janowski, 28566 Walker and states: She was writing the letter in concern about the property down the street from her home. She was concerned about the extra traffic flow which would increase noise and safety hazards to people and children exercising and playing and living on the street. Neighbors already contend with traffic from Ryan and Twelve Mile Road so she really does not want the extra headache and aggravations from what this would bring. She was also concerned that an influx of non-residential people would be parking on the residential street making it hard for the residents to live here and pay taxes and to be able to use the space in front of their homes for guests and personal needs not to mention that the mail boxes are on the curbs and it raises the question in her mind if the mail could be delivered effectively if boxes are blocked by non-residential vehicles. This in addition to the difficulty for the carrier to deliver the mail. There is a diverse and wonderful group of residents on Walker Ave. and she was not happy with what that could do to the dynamic. She purchased her home in 2003 and she knows that housing has had a hard time with the recession so she does not want the value of her home going down anymore. She loves the fact that there are people from all walks of life making the street thrive because they are invested to make the street safe and peaceful but how could they do that if there are people coming to the street that do not have any value in the street. She does not mean to sound harsh but the residents on Walker Ave. talk to one another and know the joys and struggles of the neighbors. They not only invest in the property but they invest in each other and asks that the board please help them uphold their values and connections that she herself has shared here on Walker. Sincerely, Amy Janowski.

Chairwoman Furgal said she would now close the public hearing and turn the matter over to the board.

Board Member Nestorowicz stated he had a few comments. Everybody that actually spoke here, in his mind there were really two properties that he saw in play with this item. There is the first variance had to do with the expansion to the existing strip mall that was north to the IONA's existing property. He has not heard any neighbors have any issues about them expanding into the strip mall. Nobody has actually said anything as to why they could not. There were some mentions about parking and that was not here for the Zoning Board to discuss the City has what the parking requirements that was not part of what they were talking about today. He has not heard any reasons against the expansion into the strip mall and he personally sees no problem with expanding into the strip mall. What he has heard were a lot of issues that have to do with items 2 and 3 which have to do with the expansion onto Walker Ave. with a walled in playground. On this one he has heard the comments from both sides but to change what that land was zoned for and to be able to use and get the variance that they were asking for, the petitioner does have to point out and fit the criteria. With that property he has not heard that come from the petitioner, as many people spoke about earlier and the question whether it could be used as zoned, that street on Walker has homes all up and down on both sides of it and it was the same size of the lot as all the others, there was no reason why that vacant lot could not be used for a home. Not self imposed, in fact the petitioner has not proved that it was not

self-imposed. He was familiar with the area his son actually did Karate at that strip mall. If IONA wanted space for a playground perhaps there was an area behind their existing building or part of the parking lot could be changed over, torn up and playground could be built on the existing property that they have that faces Ryan Road. Was the property unique; the property on Walker was the same as every other property on that street, there was nothing unique about it and if there was he has not heard an argument telling him what it would be. Add value while not being a detriment, honestly as many of the residents talked about a walled in facility would actually be very different to the make-up of the neighborhood. Actually, while he was looking at it and when he drove by there, he wondered about a walled in playground with one gate in and out and it made him wonder in terms of safety. How do the children get out if there were an issue to get out, there was only one gate, one way in and one way out. Having that kind of wall, the ordinances do not allow any other resident to put a fence past the front of their house. If he wanted to go and fence in his front yard he would not be able to. This in his opinion would be a detriment to the neighborhood. It would be different from every other house there. Was it necessary, he did not think it was necessary for the property? That was his opinion.

Board Member Watripont asked about the posting to the City Attorney. He knows that a lot of that was dealing with restrictions and necessary hardships for a land use variance, was it posted as a land use or was it strictly a non-use variance.

Roxanne Canestrelli, City Attorney said she would have to look at the posting to determine that and she did not have the posting in front of her right now.

Board Member Watripont stated his understanding was that the way the agenda was written is the way it was mailed out.

Chairwoman Furgal asked what was the question Mr. Watripont.

Board Member Watripont asked if this was a use variance or a non-use variance.

Roxanne Canestrelli stated it was a use variance and it was posted as a use variance.

Chairwoman Furgal said she felt that it would be best to separate the two requests. She would like a motion to separate number 1 from 2 and 3.

**Motion:**

Board Member Descamps made the motion to separate the items #1 to be considered on its own and numbers 2 and 3 to be considered as one separate item.

Secretary Nestorowicz supported the motion to separate.

Chairwoman Furgal said the discussion should be first on converting the commercial center.

Board Member Descamps said he did not see any reason for the board not to approve that. The IONA organization needs to expand into more space and he thinks it was an ideal situation for them.

Board Member Watripont asked that the vote be taken on the separation of the item first.

Chairwoman Furgal restated that there was a motion and a second to separate the requests into two items.

**Voice Vote:**

A voice vote was taken on the motion and the motion passed (8-0).

Board Member Brasza said he had one question about item #1. It was his understanding that part of the brick wall that was part of the property has been breached or that a cutting has been made in that wall. He was concerned that this has been done in violation of the property. The wall was meant to be there until the variance was in place to allow them to cut through that.

Steve Elturk stated it was a mistake on his part because he thought because IONA owned the properties that they could do that but later he learned that he could not and he spoke with Lynne in the building department and she said he could wait and see how this goes and then go further to see what needs to be done.

Board Member Brasza asked that he understood that if #1 gets approved and the other does not then he would have to repair the wall.

Steve Elturk said right, understood.

Chairwoman Furgal asked if he was planning to repair it.

Steve Elturk said if he had to he would.

**Motion:**

Board Member Descamps made the motion to approve the petitioners request for #1 only: convert an existing commercial center that was built to 13.2 feet of the north property line into accessory use for a religious center.

Reason being not a detriment o the area, size and shape of the lot and needs approval of the board.

Board Member Becher supported the motion.

**Roll Call:**

A roll call was taken on the motion and the motion carried (8-0).

Board Member Descamps	Yes for the reasons stated in the motion.
Board Member Becher	Yes for the reasons stated in the motion.
Board Member Pasta	Yes for the reasons stated in the motion.
Board Member Brasza	Yes for the reasons stated in the motion.
Board Member Watripont	Yes for the reasons stated in the motion.
Board Member Virus	Yes for the reasons stated in the motion.
Secretary Nestorowicz	Yes for the reasons stated in the motion.

Chairwoman Furgal

Yes for the reasons stated in the motion.

Chairwoman Furgal asked if there was any way to reach a compromise of the remaining item.

Steve Elturk said absolutely, in fact he had tried his best to go and speak to his neighbors in good will to negotiate with them as see how they would like to do it and there was almost an agreement to go to 20 foot setback instead of 15 foot and an unfortunate incident happened and he stopped negotiating with them. He was willing to communicate and negotiate. The hardship was, if he may, the playground was intended to be used by the Sunday school kids and summer school kids from 12:00pm to 12:30pm. Right now because of safety issues the children are taken out to the parking lot and put cones in the parking lot and it was a risky situation for them because of cars going in and out. Most of the times they are locked up in the building and it was a small building and was why they were actually extending the religious facility to the north of the building. The children remain indoors and kids are kids they need to breath and they need to go out. IONA thought having the playground for the children half an hour mainly primarily it was for them in the Summer School Monday through Thursday and the Sunday school outside of summer time to go access the building, the playground from the IONA lot and not through Walker Street. IONA intended to have a variance with a setback of 15 feet and he was willing to go 20 feet even 25 if need be and have the front looking nice and where no one would complain about looking not to good, what have you. There would be a locked gate. The gate would be strictly for the lawn people to come in and out to cut the grass. It would not be accessible to any parishioner to cut through because it would be locked. As a matter of fact the gate that Mr. Brasza mentioned was locked now as he spoke so that nobody could use the land from his own people or anybody else to cut across for the safety of the neighbors. The safety and peace of the neighbors was very important to IONA, it was not just a moral obligation, and it was a religious obligation. He was willing to sit down with the neighbors to see what could be done to come up with a compromise or a reasonable solution where both parties were happy. IONA was here to build a community not to divide. His faith does not allow him to do that, as a matter of fact his faith has enjoined upon him to be good not only to the immediate neighbors but to the seventh neighbor down. It was a religious and moral obligation on his part to insure that his neighbors were peaceful, safe and that all were working together as one community and not one divided community.

Board Member Descamps stated there were some pretty good mediators in the IONA group and one of the gentlemen spoke to here tonight. Would Mr. Elturk be willing to postpone this part and set up another conference?

Steve Elturk stated whatever it would take to make sure the neighbors were happy he was willing to do.

Board Member Descamps stated Mr. Elturk would have to make the suggestion and let the board know how long he thought he would need to talk to them and when he thought he could return to the board.

Steve Elturk said he did not know who to contact. Previously, as a matter of fact and let it be a lesson learned, back in 2006 the Warren Homeowners Association had come and opposed this and what have you, but then later on several met together and there wasn't anybody from the Homeowners Association here tonight. That was because bridges were built by working together. The neighbors were so happy, so much so that many came to the open house and feel sorry about some of the comments that they made in the meeting. The point he was trying to make here was there was a contact person to negotiate with. He did not know who to negotiate or mediate or have someone mediate between IONA and the neighbors.

Chairwoman Furgal stated it would be the neighbors on Walker because they are the ones most affected.

Steve Elturk stated he tried unfortunately and he would say it again, the person that verbally assaulted him was sitting in the room. If that was going to happen he fears for his life. He was not verbally but almost physically attacked.

Chairwoman Furgal said the board has two options: One option was the board reschedule this portion until another time but that would only be if there was a possibility of some kind of negotiation. Otherwise, what the board could do was turn it down and then he could come up with a plan that was more suited to the property or he would come up with a plan that was more suited to the property right now.

Steve Elturk stated there were always other plans, other plans could be that he would use it as a person and put the fences and nobody could stop him. That was another plan but he did not want to do that. He wanted to make sure that IONA was working with the community in a way that both were happy with the outcome.

Chairwoman Furgal stated that Board Member Becher would like to speak.

Steve Elturk continued and said therefore, he recommend if all the people on Walker could perhaps nominate 2, 3 or 4 four people and there was a mediator here that works for the court in the County, and they could sit down and try to resolve this issue and then come back.

Board Member Becher stated that Mr. Elturk had stated that the children only use the playground for half an hour and right now they were using cones in the parking lot which she imagined was quite nerve racking on the people that have to supervise the children.

Steve Elturk stated absolutely 100%.

Board Member Becher asked how many children he was talking about the age group.

Steve Elturk said the age was 6 to 13 years old and he said in the summer they have right now about 30 kids.

Board Member Becher stated she understands why he has the empty lot and why he assumed he that this would make a good area for the children and what she thinks the neighbors were really offended by was the PVC fence. She was wondering if he could use the lot, and she thinks he was going in the right direction when he said he wanted to move the fence back and make it possibly even a different fence, landscaping the lot and making it look nice. What kind of equipment was he planning to put on the lot?

Steve Elturk answered a swing set, little thing like that, possibly a sand box.

Board Member Becher stated there was an architect already working on this project maybe he could have some plans available to view when he met with the group. She could not see why this could not work and have it blend in with the neighborhood. She thinks the residents are worried about people trying to cut through that lot but he seems to have, everyone follows the rules when they go to the prayer meeting. She had been down Ryan Road when everyone was going in on Friday afternoon and she has not noticed one person in a car but it was a group of people in a car and she noticed that they were all well dressed, they all drive very nicely and no one was cutting anyone off. People were not using their cell phones. They were doing their business and going to prayer. She has noticed that the parking lot was well maintained at this point. Everyone was worried about everyone else's safety. She really does think they could come up with an alternative.

Steve Elturk stated he was open and as a matter of fact after June 30<sup>th</sup> and the Planning Commissioners approved the site plan he immediately sent letters to 25 houses on Walker explaining that it was not about winning or losing that it was about working together to create a community and he provided his home number, cell number, address, everything. If they had any issue to by all means to call him and talk about it. He did not hear from a single person from that. That was ok, it was not that they did not want to talk to him perhaps but maybe they

had no issue or different issues he does not know. The point he was trying to make here was that IONA was committed, hear his words, they are being recorded. He was committed to make sure that IONA's neighbors are safe, peaceful and no complaints. In the seven years IONA has been there, maybe the neighbors had some complaints but IONA did not receive one complaint directly or through the police or anybody else. There was a neighbor named Sarah that lives south of IONA with a brick wall between and she can testify to IONA's hospitality and to being great neighbors.

Board Member Becher suggested rescheduling this matter and making another attempt in working together and see if another alternative could be brought up in order to maybe make this playground fit better into the neighborhood.

Audience members moaned in disapproval.

Board Member Becher stated the audience had to be quiet out there, they had their chance.

Board Member Becher continued and asked Mr. Elturk how much time he would like on this issue.

Steve Elturk stated A.S.A.P, he had no issues. He could meet with them next week.

Board Member Becher asked if the petitioner would like to come back in September.

Board Member Nestorowicz requested the floor.

A side conversation between Mr. Elturk and another gentlemen took place in a different language upon completion he requested clarification to understand what the board was asking to him bring, was it another plan?

Board Member Pauta stated Mr. Nestorowicz has the floor and chairwoman Furgal repeated the statement.

**Motion:**

Board Member Nestorowicz made the motion to deny the petitioner's request for item #2 and #3. For the reason he had stated before as the property can be used as zoned and can be used for house like everything in the neighborhood was.

Steve Elturk interrupted and said that was incorrect it was a land use and he was already done his homework. The board could not just suggest something that was unfounded. Please sir. He proposed that the board table this, the

lawyer was here and she should tell you. He proposed that the item be tabled to another time otherwise he may have to take other measures.

Chairwoman Furgal called for order and stated that Mr. Nestorowicz has the floor and the board would explain to him what they were going to do.

Board Member Nestorowicz continued and stated #2 that the condition was not self imposed, he feels that it was self imposed based on the property and how it was, they could look to seek other alternatives of how to accommodate this. Three the property being unique, it was not unique, it was the same as every other house on the block, all the other residential properties dimension wise and size wise. Not a detriment. A walled off property on that property would be a detriment as the neighbors have felt. Was it necessary, he does not think it was necessary on that piece of property, that there should be some other alternative to come up with to accommodate the playground?

Board Member Pauta supported the motion.

Board Member Watripont asked the City Attorney if an R-1-C could be used as a playground area.

Roxanne Canestrelli, City Attorney said the R-1-C was permitted for all uses as an R-1-B so it would revert to R-1-B uses. R-1-B uses are permitted and are regulated in R-1-A district so she reverted to the R-1-A district. She requested a few minutes to pull that out.

Roxanne Canestrelli continued and said which was a one family dwelling.

Board Member Watripont stated he would like to redirect his question to Everett Murphy, Zoning Inspector.

Everett Murphy said all that he was seeing in the R-1-A was municipal owned and operated parks and playgrounds.

Roxanne Canestrelli agreed.

Everett Murphy stated that churches are a residential use and a playground would be considered to him as incidental to the use but this was not located on the same property. He does not think it applies.

Roxanne Canestrelli agreed.

Board Member Watripont thanked both of them.

Chairwoman Furgal said they would call the vote for the reason stated in Mr. Nestorowicz motion.

**Roll Call:**

A roll call was taken on the motion and the motion carried (7-1).

Secretary Nestorowicz	Yes to deny for the reasons stated in the motion.
Board Member Pauta	Yes to deny for the reasons stated in the motion.
Board Member Becher	No to deny she thinks the problem can be resolved.
Board Member Descamps	Yes to deny for the reasons stated in the motion.
Board Member Brasza	Yes to deny but thinks the petitioner can come back and resolve the issue. There are negotiations that still need to happen.
Board Member Watripont	Yes to deny the job of the board was to look at the item before them.
Board Member Vigus	Yes to deny for the reasons stated in the motion.
Chairwoman Furgal	Yes to deny for the reasons stated in the motion.

Chairwoman Furgal told the petitioner that he was allowed to reapply and he..

Steve Elturk interrupted Chairwoman Furgal and said no he was not going to re-apply he was going to make sure he did what he could do to make sure he utilized the property in a manner and way allowable by the law. Period. Thank you very much.

Chairwoman Furgal stated she would suggest working with the neighbors and make it.

Steve Elturk stated if the neighbors would like to negotiate he was open and they could reapply for that again to revisit the item and the board could have their say or vote on it one more time.

13. PUBLIC HEARING      **APPLICANT: Sajed, Masjid Al-Furqaan/  
Dr. Alan Hendra**
- REPRESENTATIVE:      Hisham Turk/Sejad Melkic  
COMMON DESCRIPTION:      27643 Schoenherr  
LEGAL DESCRIPTION:      13-14-430-032  
ZONE:      PB

**VARIANCES REQUESTED: Permission to**

1. Allow a religious facility to no less than fifteen (15) feet of the south property line.
2. Allow a religious facility to no less than thirty two (32) feet and eight (8) inches of the rear property line as per the plan.
3. Allow a religious facility on a lot that is 85 feet wide and 118 feet deep, as per the plan.
4. Retain the existing wall at four (4) feet as per the plan.

**ORDINANCES and REQUIREMENTS:**

**Section 5.11 Item 9: Churches...** Two (2) side yards setback of not less than twenty (20) feet.

**Section 5.11 Item 11: Churches...** rear yard of not less than forty five (45) feet.

**Section 5.11 Item 2: Churches...** Lot width of not less than one hundred (100) feet and a lot depth of not less than two hundred (200) feet.

**Section 5.11 Item 5: Churches...** six (6) foot wall or eight (8) foot greenbelt to be provided where the site abuts a residential district or residential use.

Hisham Turk, appeared before the board and said he was the architect working with the owner. Mr. Sajed was present with him as President of the organization. This is an existing building that was used as a medical office building before. It was vacant for a long time and Mr. Sajed was trying to purchase the property which was suitable for their use. It was for a small group of people which was not a big community, it was for the Muslim community around that area. It was a small building, they can gather there for their religious practices. He was applying for that reason for variances from the setbacks, from the south property line 15 feet also from the rear property line. The property was L shaped, the building was in the front so if he goes from the rear property line all the way to the end he has already enough setbacks. Because it was L shaped he counted from the other rear property line it was too close so he needs a variance for that. He does not know whether he needs that or it was counted from the further rear property line. The other variance was the size of the property which was more than  $\frac{1}{2}$  an acre which was ok but he also applied for a variance because he thought maybe because it was L shaped, site plan in front of the board, it was in the front of the property more than 100 feet so there wasn't any problem. From the north side more than 200 feet but because it was L shaped in this part he thought he should apply for another variance. If not maybe the board could clarify that. #4 was an existing wall that was 4 feet high around the property. He knows the zoning ordinance requires 6 feet so that was why he requested a variance for that.

Chairwoman Furgal stated this was a public hearing was there anyone that wished to comment on this item.

Joseph Hunt, 8306 Stanley appeared before the board and stated he had listened to the petitioner and he thinks this was awesome. He fully recommends it.

Tony Davis, appeared before the board and stated he was here on behalf of the West Point Condo Association, the 13000 block of Angela Drive which lies directly north of the petitioner's property. He was opposed to the request for variance in particular #3 and #4. The #3 request was for the board to allow a facility on the lot as Hirsham stated earlier roughly 118 feet deep but the requirement was 200 feet so that was roughly half. He did not know what consequence the L shape had to do with that. The other main issue was #4 and the waiving of the 6 foot required fence or the 8 foot greenbelt. He thinks it would definitely cause an impediment of the residents that were north of the property. As it stands there was a 4 foot fence which can almost be looked directly over into the resident's properties, living rooms and bedrooms. That wall was currently in disrepair and the lot was not well maintained. He hopes that something would be done with that. Again he does not want this permitted and if those items can be worked out then he would not have any opposition to it. For now he does. Thank you.

Karen Spranger, 7520 Hudson appeared before the board and stated the three questions the board needed to ask was if it was necessary, was it reasonable and would it be kind.

Patrick May, 13489 Carol, In Warren appeared before the board and stated he lives on the corner of Carol and Schoenherr and his main concern was as a lay person, the board was throwing numbers and he would like to see a plan. Was the current building going to be used or were they going to build a big building. Were they going to expand to what was just on the agenda and have 1,000 parishioners and then people parking in front of his house and drive way and everything else. Also noise, would there be loud speakers calling people to prayer and things like that.

Mrs. May, 13489 Carol said there was not enough information and they have lived in the Warren community for 45 years. She was opposed to this also and would like some more information.

Chairwoman Furgal asked if there was anyone else that would like to comment on this item. Hearing and seeing none she closed the public hearing and turned the item over to the board.

Chairwoman Furgal asked how many people were they talking about.

Hirsham Turk said there would be a prayer hall inside the building for the maximum occupancy of 100 people.

Chairwoman Furgal asked if there was sufficient parking for 100 people.

Hirsham Turk said yes there was sufficient parking for 100 people and even though he was not expecting that number. The hall was design for 100 people and there was sufficient parking for that.

Chairwoman Furgal asked what the reason was that he did not want to do the wall.

Hirsham Turk said actually it was an existing wall that he wanted to keep but if the neighbors want it 6 feet that would not be a problem.

Mr. Sajed stated the wall as you immediately enter the lot was not 4 feet right now. It was slightly below the rest of the wall.

Chairwoman Furgal stated there was an ordinance in Warren that there only be certain heights coming off the driveway but the rest of it had to be higher. This building she thinks has been there a long time and that was why this wall was currently only four feet. She knows that he did not create the situation and the condo's came after the building but they do have a right to privacy so the board did not have to give that variance.

Mr. Sajed said he agreed because even when he went there it seemed quite close. He would not want to be, if kids for example come in they are kids and they do not know to look the other way so he thinks the gentleman had the right to say there should be a privacy wall built there for them or extend it up as it stands right now. As far as the gentleman that asked the size or if there was going to be outside maybe he meant the call to prayer or something like that, all of the uses he would need for would be inside the building and he was not tearing down the building and building a new one or bigger one. As he spoke with Turk that was not allowed with that territory

it would be almost impossible. He just wants to use the inside of the facility as it was right now. For his community, they are mainly from Bosnia and have lived in Hamtramck for a long time, in fact there are two centers down there that are being used but at the same time the people have moved up and finished schools and have moved north to Sterling Heights, Warren areas and they would love to have another facility that could be used in addition to those. He does not expect the traffic to be high although the capacity was for 100 people, for daily prayers it would be nowhere near that number. He would be happy if he could get 20 people to come to the daily prayers. On a Friday from the community itself obviously the number would be bigger but he would not say to the board that it would exceed 50 people. He has been around working with his community for a long time unfortunately they do not attend, just like many other churches people are there but how many people attend it was up to them. He was speaking honestly from what he knows. He lives here and they take care, one of the best things about the community they are all people that maintain their properties really well and so this would be his guarantee that they would take care of the property to the best of their ability and they were willing to work with the immediate neighborhood around. He hopes that they understand the need for more centers so that people can spread out for someone that lives or works closer to the new center maybe would be saving some parking spots at the IONA mass which was doing a great job. In all this was an opportunity for them and they are willing to do what they can to accommodate, it was an existing building so he could not just pick it up and move and fix everything up but whatever they could do with the existing building he was willing to work with that. If it were the wall or any other particular questions he was open to discussion. Thank you.

Secretary Nestorowicz said this was great use for the existing building. When he drove by he was fine with the fact that the property was smaller than what the ordinance says and would grant the kind of variance on the size. The item he would actually question was the wall being four foot. For privacy for both the center and the condo's and the residents he really thinks a 6 foot wall would be a good thing to have there but that was just his personal opinion. The one neighbor spoke about parking, the way parking has always worked out, the buildings occupancy was 100 and the City does 3 people per parking spaces for every hundred so they need 34 spaces and the property does accurate that.

Board Member Watripont said it was his understand that activities would be restricted to inside the building.

Hirsham Turk said the changes were strictly inside and no outside changes. All activities would be restricted inside, yes.

Board Member Watripont asked if there was any loud speaker or other devise for the purpose of calling to prayer.

Hirsham Turk said no.

**Motion:**

Board Member Watripont made the motion to approve the petitioners request to allow a religious facility to no less than 15 feet of the south property line. Allow a religious facility to no less than 32 feet 8 inches of the rear property line as per

the plan. Allow a religious facility on a lot that was 85 feet wide and 118 feet deep as per the plan. With the restrictions that all activity was restricted to the inside and no loud speaker or other device mounted onto the building for the purpose of call to prayer. Should a loud speaker or other device for a call to prayer be established or activities moved outside would void this variance. He was striking number 4 on the request, he was not waiving the wall.

Reason being: Size and shape of the lot and not a detriment to the area.

Board Member Descamps supported the item.

Mr. Sajed asked for an explanation on the wall.

Chairwoman Furgal stated the board was not waiving the required 6 foot wall. He would have to meet the ordinance for the wall.

**Roll Call:**

A roll call was taken on the motion and the motion carried (8-0).

Board Member Watripont	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 Vigus	Yes for the reasons stated in the motion.
Board Member Brasza	Yes for the reasons stated in the motion.
Board Member Pauta	Yes for the reasons stated in the motion.
Secretary Nestorowicz	Yes for the reasons stated in the motion.
Chairwoman Furgal	Yes for the reasons stated in the motion.

14. PUBLIC HEARING

**APPLICANT: Niagra Lasalle-Corp**

**Mr. Bob Holman**

REPRESENTATIVE: Ronald Kachman/Design & Construction Group  
COMMON DESCRIPTION: 21750 Hoover  
LEGAL DESCRIPTION: 13-35-151-002 & 003  
ZONE: M-3

**VARIANCES REQUESTED: Permission to**

Construct a building addition 10, 537 sq. ft. to the south property line as per the plan.

**ORDINANCES and REQUIREMENTS:**

**Section 17.02 Paragraph (a): Side & rear yards.** Sixty (60) feet each in M-3 Districts.

Ron Kachman with Design Construction group at 291 Elmwood Drive in Troy, MI appeared before the board and stated he was representing the Niagara LaSalle Company at 21750 Hoover Road. He was requesting a zero setback on the south side of the property. The property history goes all the way back to 1955 when a variance was granted for a zero lot line on the original property. Also in 1996 the building was expanded 24,000 sq. ft. and received a variance of 23,000 sq. ft. of parking area.

Chairwoman Furgal asked that members of the audience speaking to please go out in the hall way.

Ron Kachman continued and stated what he was there for was the LaSalle people purchased the 30 feet to the south side of their property which used to be part of the railroad and all the way up and onto Toepfer and Nagel. What he was wanting to do was put a 10,500 square foot addition onto the building to be used as a warehouse for a lot of their raw material, steel basically brought in and stored there. They have an existing truck well that runs from the east to west through the building and they were going to fill that in. With the way the property was now they could come in off of Toepfer, drop the material off and go back out onto Toepfer or down Nagel to get out. He was basically doing the addition to help the flow of material in and out of the building which would make it more efficient for the company and more profitable as a market. The neighbors should not be effected in any way, the south side was already a trucking company that built their building on the right of way line along Toepfer and the other side of them was a reclaim or auto salvage lot. Behind them was Toepfer and Nagel which was the entrance and exit. He hopes the board would grant the variance and if they had any questions he would be happy to answer them.

Chairwoman Furgal said this was a public hearing and asked if there was anyone in the audience that would like to comment on this item.

Joseph Hunt appeared before the board and stated he was always for any construction in the City of Warren so he fully endorsed it.

Karen Spranger appeared before the board and said that the board should be working side by side with the director in the City that accepts the planning of the project and how it was done. She has seen other communities where the two boards communicate better and she sees the two boards here in Warren do not communicate and make decisions after the fact without looking at the plans. At the planning commission they show the plans visually which would support the purpose of the variances and zonings. She thinks there are a couple steps in the paper work that she would seriously question which was illegally done.

Chairwoman Furgal pointed out that each board member had a copy of the plan.

Chairwoman Furgal asked if there was anyone else that would like to speak on the item. Hearing and seeing none she closed the public hearing and turned the item over to the board.

Board Member Brasza asked if the addition would be the same height as the existing building.

Ron Kachman said yes, the height of the building was going to be the same height as the lower section in the front of the building. He was carrying the same height of the front of the building all the way down that whole side. There were not going to be any crane bays in there, it was just going to be strictly a high-low operation up to 14 feet of steel. Same brick front and partly down the side.

Board Member Becher said when she went and looked at the property she pulled the plans out and thought she wanted to see the back of the building. She went down around Toepfer and saw a parking lot; when she got to the gate and looked in all the steel was in the parking lot. Was the plan to take the steel into the building?

Ron Kachman said the plan was to take all raw materials from behind the building and be able to stack it up and make it more efficient to distribute to the machines inside.

Board Member Becher said she was just concerned because the plan said parking and it showed parking and she used to work for a defense contractor and she knows what that stuff costs. Where do the employees park right now?

Ron Kachman said there were only six employees in the whole building so it was not a problem. They park basically in the front. When they purchased the other property he was deficient with parking, a paved parking area. He was now actually almost 3,000 sq. ft. over what was required for the whole building.

**Motion:**

Board Member Descamps made the motion to approve the petitioner's request to construct a building addition of 10,537 sq. ft. to the south property line as per the plan.

Reason being: Size and shape of the lot, not a detriment to the area and needs approval of the board.

Board Member Pauta supported the motion.

**Roll Call:**

A roll call was taken on the motion and the motion carried (8-0).

Board Member Descamps	Yes for the reasons stated in the motion.
Board Member Pauta	Yes for the reasons stated in the motion.
Board Member Brasza	Yes for the reasons stated in the motion.
Board Member Watripont	Yes for the reasons stated in the motion.
Board Member Becher	Yes for the reasons stated in the motion.
Board Member Vigus	Yes for the reasons stated in the motion.
Secretary Nestorowicz	Yes for the reasons stated in the motion.
Chairwoman Furgal	Yes for the reasons stated in the motion.

15a. PUBLIC HEARING

(Reschedule from 6/25/14)

**APPLICANT: Mr. Jeremy O'Neil**

REPRESENTATIVE:

Mr. Charles O'Neil

COMMON DESCRIPTION:

21816 Dequindre & 1925 Garrick

LEGAL DESCRIPTION:

13-31-152-021 & 13-31-152-010

ZONE:

M-2 & P

**VARIANCES REQUESTED: Permission to:**

Operate a truck repair facility to no less than 50' from the residential district to at the rear, adjacent to residential to the north and less than 200 feet to the south across Garrick.

**ORDINANCES and REQUIREMENTS:**

**Section 14.01 Paragraph (j): Uses Permitted.** Automobile repair shops, including body and fender business, provided that such uses are conducted entirely within an enclosed building, and provided further that such establishments are located **at least two hundred (200) feet from any residential district** or are operated on the premises of and in conjunction with an automobile dealership in a building with appropriate filtering system to prevent emission of paint odors and **with a masonry wall facing any such residential district**, which shall have sound retarding insulation, shall have no doors other than any door required by law as a fire exit, and shall have no windows but may have glass block areas to transmit light.

**Motion:**

Board Member Descamps made the motion to remove the item from the agenda. If the petitioner wishes to address the item again he will have to re-apply.

Board Member Becher supported the motion.

**Voice Vote:**

A voice vote was taken on the motion and all ayes were recorded. The motion carried (8-0).

16. NEW BUSINESS

Board Member Descamps informed the board that he would not be able to attend the August 13, 2014 meeting date.

17. ADJOURNMENT

**Motion:**

Board Member Watripont made the motion to adjourn and Board Member Becher supported the motion. A voice vote was taken on the motion and the motion carried (8-0).

The meeting adjourned at 11:22 p.m.