

**MINUTES OF THE CITY OF ROMULUS REGULAR MEETING OF THE  
BOARD OF ZONING APPEALS HELD ON WEDNESDAY, MARCH 2, 2016**

1. The meeting was called to order by Chairman Chandler at 7:00 p.m.
2. Roll Call Showing: Sheldon Chandler, Donald Morris, Kenneth Mientkiewicz, Emery Long, and Melvin Zilka

Also in attendance: Carol Maise, City Planner and Christina Wilson, Sr. Secretary

3. Motion by Mientkiewicz, supported by Morris to approve the agenda as presented.  
Roll Call Vote: Ayes - Mientkiewicz, Morris, Long, Zilka and Chandler. Nays – none. Motion Carried.

Agenda

1. Pledge of Allegiance
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes

A. Board of Zoning Appeals regular meeting held on January 6, 2016

5. Petitions

A. **BZA-2016-001; Larry Vogel**

Location: 14645 Hannan  
DP #82-80-119-99-0021-720

- Request:
1. A variance from *Section 3.07(a), Schedule of Regulations, RCO, Rural Charter Overlay District of the Zoning Ordinance* is requested to allow an 18-foot side setback; a side setback of 20 feet is required.
  2. A variance from *Section 3.07(a), Schedule of Regulations, RCO, Rural Character Overlay District of the Zoning Ordinance* is requested to allow the floor area of a new residence to be 1,296 sq. ft.; the minimum floor area required is 1,500 sq. ft.

Project: Construction of a pre-fabricated single-family residence.

6. Old Business
7. New Business
  - A. Election of Officers
8. Communications
  - A. City Planner's Status Report

9. Discussion

10. Adjournment

4. Motion by Zilka supported by Long to approve the minutes of the regular meeting of the Board of Zoning Appeals held on January 6, 2016. Roll Call Vote: Ayes – Zilka, Long, Mientkiewicz, Morris, and Chandler.

5. Petitions

A. **BZA-2016-001; Larry Vogel, 14645 Hannan**, requesting a variance from *Section 3.07(a), Schedule of Regulations, RCO, Rural Charter Overlay District of the Zoning Ordinance* to allow an 18-foot side setback; a side setback of 20 feet is required. A variance from *Section 3.07(a), Schedule of Regulations, RCO, Rural Character Overlay District of the Zoning Ordinance* to allow the floor area of a new residence to be 1,296 sq. ft.; the minimum floor area required is 1,500 sq. ft. DP #82-80-119-99-0021-720

Larry Vogel, 19875 Clark Rd., Belleville, MI 48111 and Roberto Carta, Olson Cement Work, Inc., 20135 Ecorse Rd., Romulus, MI 48174 stepped forward as petitioners

- Mr. Vogel stated that he was looking to receive 2 variances for the side setbacks and floor area.
- Mr. Chandler asked Mr. Vogel if he had received a copy of the City Planner's report.
- Mr. Vogel replied yes.
- Mr. Carta stated that he was the contractor for Mr. Vogel building the foundation for the proposed pre-fabricated home and that he also received a copy of the City Planner's report.
- Mr. Carta explained that he just received a survey for the property today and that was why the board members did not have it in their packets.
- Mr. Carta stated that they are going to meet the side setback requirements; according to the new survey.
- Ms. Maise stated that the minimum on one side is 15 feet and 20 feet on the other side. Therefore, a 2 foot variance is needed on each side.
- Mr. Carta explained that it was actually a 5 foot variance needed because after the survey was redone the width of the property measured at 101 feet, not 105 ft.
- Ms. Maise asked Mr. Carta if they are changing the variance request from a 2-foot variance to a 5-foot variance request.
- Mr. Carta replied yes.
- Ms. Maise stated to the board members that the variance request should be amended.
- Mr. Carta explained that they are meeting the minimum 15-foot requirement.
- Mr. Chandler asked Mr. Carta if there was going to be an attached garage.
- Mr. Carta replied that there is going to be an attached garage.
- Mr. Chandler asked Mr. Carta if the garage was part of the new survey.
- Mr. Carta replied yes.
- Mr. Chandler asked Mr. Carta the size of the garage.
- Mr. Carta replied that the garage is going to be 32 ft. deep by 23ft. wide; rather than 24 ft. wide, to meet the minimum side setback of 15 ft.
- Ms. Maise corrected Mr. Carta and explained that 20 feet is the minimum side setback.
- Mr. Carta apologized and said he had misspoken but, that he understood.

- Ms. Maise explained to Mr. Carta that the information needs to be correct since the variance request is being amended.
- Ms. Maise asked Mr. Carta which side of the property they are proposing a 15 ft. side setback.
- Mr. Carta replied that the 15 ft. side setback is going to be on the south side, near the adjacent home. The adjacent home is only 7 ft. from the property line and they propose to be 15 feet from that. Also, the north side will be 15 feet from the property.
- Ms. Maise stated that there was some confusion with what was originally presented and asked Mr. Carta what side the garage was going to be on.
- Mr. Carta presented Ms. Maise and the board members a set of site plans and survey of the property.
- Mr. Chandler asked Mr. Carta what the lot width is.
- Mr. Carta replied that the lot is 101.83 feet wide. They had originally thought that the width of the property was 105 ft. because the frontage is on a diagonal line. But, when the surveyor came out they determined that it was 101.83 ft., they are building on a straight line, not diagonal.
- Mr. Carta noted that starting on the north side they are 15 ft. from the adjacent property and with the 7 ft. from the adjacent home it gives them 22 ft. of space between houses.
- Ms. Maise stated to Mr. Carta that the house to the north is a non-conforming property. What it appears to be is that you are trying to give enough space between Mr. Vogel and the back of the adjacent property.
- Mr. Carta replied that was correct.
- Ms. Maise asked Mr. Carta if he knew what kind of a window the neighbor has on the south side.
- Mr. Carta explained that he did not know.
- Ms. Maise noted that Mr. Carta did a good job in trying to get the separation between the adjacent properties.
- Mr. Carta stated that they tried to utilize the space as best as possible with keeping the proposed home centered on the property.
- Ms. Maise stated that they had talked about getting things lined up as best as possible.
- Mr. Carta replied that was what their intention was and if they had angled the house to match the south adjacent home they would have lost footage.
- Ms. Maise stated that one concern was what kind of view there would be.
- Mr. Vogel explained that the property is lined with trees.
- Mr. Chandler asked Mr. Carta if they are requesting a 5 foot variance amendment.
- Mr. Carta replied yes.
- Mr. Chandler indicated that there was concern for the width to depth ratio in Ms. Maise report.
- Ms. Maise stated that was because the lot was split a while ago and she wasn't sure about the state's land division act, if it was required at the time but, it was split before the required 4:1 width to depth ratio requirements. Today there would not be a lot split like this one. This is an L shaped lot, it isn't allowed. Because of this you are not left with a handle causing problems such as this. Mr. Vogel is trying to get a house to fit in this irregular shaped lot.
- Mr. Chandler implied to Ms. Maise that it doesn't meet the ordinance.
- Ms. Maise replied that the dimensions do not but, it is an existing lot. This contributes to the impractical difficulty Mr. Vogel is having but, he didn't cause it. When the lot was split it got split this way, before the rule of the 4:1 ratio.
- Mr. Chandler noticed that there was a note in Ms. Maise report explaining that.
- Mr. Chandler stated that the lot width needs to be corrected.

- Mr. Long asked Mr. Vogel and Mr. Carta if they had considered turning the house sideways, since there is close to 70 ft. of frontage.
- Mr. Carta replied that it was a thought.
- Mr. Vogel asked Mr. Long if he was speaking of the front of the house facing north.
- Mr. Long replied yes, the garage could be at the front of the property, or turn it so that the garage would be at the opposite side of the property.
- Mr. Carta explained that the house is a pre-fabricated home and that would put his bedroom in the front of the road facing Hannan Road. The way they are proposing it now the front entrance would go straight into the living room. Also, the garage would be at the back of the house and cause a very long driveway. So, that would cause some issues with turning the house sideways.
- Mr. Carta explained that as of now Mr. Vogel has already, for lack of a better word; compromised, by moving the garage door to the more narrow area. Originally the garage was going to be 32 x 24 ft. wide and have turned it to 24 x 32 ft. wide. Mr. Vogel has attempted in hopes of asking for a smaller variance.
- Mr. Chandler asked Mr. Vogel if there was ever a possibility of getting a larger pre-fabricated house that would meet the floor plan size requirements.
- Mr. Vogel replied that a larger house was available.
- Mr. Long stated that there would still be a problem with the width.
- Mr. Chandler addressed that they have gone over the request to amend the variance, the lot size and floor size and sq. footage and that there wasn't much more to cover.

Chairman Chandler closed the petition portion of the meeting and opened for public comment. He asked if anyone wished to speak on the matter to please step forward.

Let the record show an affidavit of first class mail has been shown and is on file.

Chairman Chandler entered into record an email sent to Carol Maise, City Planner on behalf of Bart DeVita regarding the side setback. The email reads:

*Hi Carol,*

*I cannot make the BZA tomorrow. In regards to the 2 variances requested for 14645 Hannan Rd., my input is as follows:*

***Item #1 Side Yard Setback Variance:***

*The plan is incomplete – indicating where a garage is planned – not enough info. Otherwise, I would not have a problem with the 2 ft. variance.*

***Item #2 Floor Plan Area Variance:***

*I am not in favor of the Floor Area Variance. Those rules were established for a reason and I would like to see them upheld.*

*Thanks,  
Bart DeVita  
14639 Hannan*

Duane Winter, 14501 Hannan Road, Romulus, MI 48174 stepped forward to speak to the board members

- Mr. Winter stated that he has lived at his residence since there were 3 houses on Hannan Road from his house to Barth Road.
- Mr. Winter explained that when he bought his house he was told what he had to do and he did it. He also stated that he agrees with Bart DeVita and feels that Mr. Vogel should have a larger house to fit in the site, even though it would be squeezed in and he feels bad about that, he did what he had to do to get his house right and fit the program.
- Mr. Winter explained that if a smaller house and lot was what was wanted, there are a lot of places for that in Romulus but, Hannan Rd. is really not the place for that but, the board members are the deciding factor and that is fine.
- Mr. Winter reiterated that he and others in the audience agree with Mr. DeVita. They all built the right size house and that is all they ask of the board members to consider in this case with Mr. Vogel's home. The adjoining neighbors will have to live with the 5 feet between them and I wish them luck with that.
- Mr. Winter asked the board members if now the request has been changed that the city will notify the neighbors again of the change.
- Ms. Maise replied yes.
- Mr. Winter stated that if there were couple hundred feet additional on the property they would all be where they belong.

Chairman Chandler asked if anyone else wished to speak on the matter to please step forward.

Seeing no one, Chairman Chandler closed the public comments portion of the meeting and opened it up to comments from the Board members.

- Mr. Zilka stated that he had visited the neighborhood. Looking at all of the homes in the area and with this variance request Mr. Zilka didn't believe that they would be fair in voting in favor of the variance request.
- Mr. Zilka also stated that the petitioner did not submit a plan. He submitted a standard flyer of the home and asked Mr. Vogel and Mr. Carta if that was the home that they intend to have on the property.
- Mr. Long suggested that it was a presentation package.
- Mr. Morris explained to Mr. Zilka that it was the house in the packet.
- Mr. Zilka expressed his dismay for the proposed house in the packet for that neighborhood.
- Mr. Chandler asked Ms. Maise when the Rural Character Overlay District was established.
- Ms. Maise replied that it was established in 2008, the reformatting of the ordinance was done then so, it may have been the year before, in 2007.
- Mr. Chandler suggested that the zoning was set up that way because of the area, the lot sizes and types of homes.
- Ms. Maise stated that the lot sizes are bigger with larger homes. There is a statement in the ordinance that says the district, also in the master plan, to maintain a balance between a quite rural character overlay district the suburban subdivision development in order to meet the transitional needs of that area.
- Mr. Chandler suggested to Ms. Maise that the whole idea was to give it that rural character so you could have larger lot sizes and acreage.
- Ms. Maise agreed.
- Mr. Morris stated that he lives in that area and the ordinance was established sometime before 2010, it was implemented on a large area and he is not sure it should have been done on such a

large area. There are good and bad things about that but, it is the zoning and anyone coming in after the zoning was implemented should comply.

- Ms. Maise suggested that the board members keep in mind that an analysis was done of that area and there are 2 homes within the vicinity that are much smaller than the 1,500 sq. ft. floor area requirement; smaller than what Mr. Vogel is proposing. There is currently a mix of smaller and larger homes.
- Mr. Chandler and Mr. Morris stated that those homes are existing homes.
- Mr. Morris stated that when the zoning is changed it affects the surrounding properties. His property and his uncles property were affected by the zoning change and neither one of them were happy about it but, the zoning is the zoning. Anyone who has lived in Romulus over the last 70 years knows that the zoning has changed.
- Mr. Chandler stated that he believes that this particular zoning was an attraction for acreage and larger homes.
- Mr. Mientkiewicz asked Mr. Vogel if there had been any discussion about moving the proposed house back further on the lot where it opens. He understands that it would make the driveway very long but, it would eliminate the side setback problems.
- Mr. Morris reiterated that there would be some side yards that Mr. Vogel would have to live with but, what would make everyone happy is that the house be 1,500 sq. feet.
- Mr. Chandler asked Mr. Vogel if the garage would be attached right away.
- Ms. Maise stated that the garage area cannot be used as usable floor area.
- Ms. Maise asked Mr. Carta what the footprint of the area was with the garage.
- Mr. Chandler replied that it would be 30 x 23 feet.
- Ms. Maise stated that it would have the appearance of a larger home with the garage attached but, because it is a garage it can't be used as usable floor area.
- Ms. Maise stated that some of the concern, as stated in her report, was that when you have a larger lot you have things that go with it, like outdoor storage. If you have a smaller house and no outdoor storage there is the potential for putting things outside.
- Ms. Maise asked Mr. Carta if there was going to be a basement.
- Mr. Carta replied that there was no intent for a basement.
- Ms. Maise noted that storage was going to be limited without a basement.
- Mr. Chandler asked Mr. Vogel if he has plans for any outdoor storage in the rear of the property where there is more room.
- Vicki Winter, wife of Duane Winter, 14501 Hannan Rd., Romulus, MI 48174 spoke from the audience and stated that there is not enough room to get around the house with the side setbacks if Mr. Vogel had planned to build a pole barn or any outdoor storage, he just wouldn't be able to get to it.
- Mr. Chandler stated that the situation is that the lot is what it is.
- Ms. Maise commented that there are some challenges with it being a flag shaped property, it does create some problems.
- Mr. Chandler commented that it is a nice big chunk of property but, it's just shaped kind of crazy.
- Ms. Maise stated that by just receiving the survey there was not enough time to review it and she would have liked to discuss it with Bob McCraight, the Building and Safety Director because he has been very helpful in looking for different ways to place the home on the property to get this to work and not demise the amount of variance needed. Instead, now more a variance is needed on the sides.
- Mr. Long suggested to Mr. Vogel, after looking at the parcel, that he might want to consider turning the house, as he suggested earlier. He could place a berm in front for privacy or landscaping on the bedroom side and it would not affect the length of the driveway. This would still give him

access to all of the land behind the house. As the proposal is now, he could not support the variance request.

- Ms. Maise pointed to the picture of the side of the proposed house in the packet and asked Mr. Long if that was the look of the house that they wanted facing the road.
- Mr. Long replied that he has seen residences where the homes are turned sideways and according to the lot size, there could be berm and landscaping to make the appearance presentable and dress it up with keeping the access to the rest of the site.
- Mr. Chandler asked Ms. Maise if she had said that Bob McCraight had some ideas.
- Ms. Maise replied yes. Mr. McCraight had met with all of us a few weeks ago and he has not had the benefit of seeing this new drawing that was just presented tonight by Mr. Carta and Mr. Vogel. Since this is the first that we've seen this drawing, we didn't know how this was going to work. We had talked about things like: whether there would be a porch on the house, ways to dress the house up, and not knowing where the garage was going to be placed, and so forth.
- Mr. Long suggested to Mr. Chandler that they table this petition to have more discussion and have time for Mr. McCraight, Ms. Maise and the board members to review. Also, give Mr. Vogel more time to think things over and decide what it is he wants to do.

Chairman Chandler asked the board if they had any further questions.

Motion by Long supported by Morris to **table BZA-2016-001**; Larry Vogel., located at 14645 Hannan Rd., for a variance from *Section 3.07(a), Schedule of Regulations, RCO, Rural Charter Overlay District of the Zoning Ordinance* is requested to allow an 18-foot side setback; a side setback of 20 feet is required. A variance from *Section 3.07(a), Schedule of Regulations, RCO, Rural Character Overlay District of the Zoning Ordinance* is requested to allow the floor area of a new residence to be 1,296 sq. ft.; the minimum floor area required is 1,500 sq. ft. DP# 82-80-119-99-0021-720

Roll Call Vote: Ayes – Long, Morris, Zilka, Mientkiewicz and Chandler. Nays – None. Motion Carried.

6. Old Business – None.

7. New Business

A. Election of Officers

Motion by Zilka supported by Long to retain and re-elect the same officers that currently serve on the Zoning Board of Appeals as follows:

1. Chairman – Sheldon Chandler
2. Vice Chairman – Kenneth Mientkiewicz
3. Secretary – Donald Morris

Roll Call Vote: Ayes – Zilka, Long, Morris, Mientkiewicz, and Chandler. Nays – None. Motion Carried.

8. Communications

A. City Planner's Status Report

- Ms. Maise stated that the Planning Department has been busy with regards to site plans and that there will be a meeting in April for a side yard setback variance.

9. Discussion

10. Adjournment

Motion by Zilka supported by Long to adjourn at 7:38 p.m. Roll Call Vote: Ayes – Zilka, Long, Morris, Mientkiewicz and Chandler. Nays – None. Motion Carried.



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Donald Morris, Secretary  
Zoning Board of Appeals