

**MINUTES OF THE CITY OF ROMULUS REGULAR MEETING OF THE
BOARD OF ZONING APPEALS HELD ON WEDNESDAY, APRIL 3, 2019**

1. The meeting was called to order by Chair Chandler at 7:00 p.m.
2. Roll Call Showing: Sheldon Chandler, John Clark (alternate), Emery Long, Ken Mientkiewicz, and Donald Morris

Excused: Melvin Zilka

Also in attendance: Carol Maise, City Planner

3. Approval of Agenda:

Motion by Mientkiewicz, support by Long, to approve the agenda as presented.

Roll Call Vote: Ayes – Mientkiewicz, Long, Morris, Clark, Chandler. Nays – none. **Motion carried.**

Agenda

1. Pledge of Allegiance
2. Roll Call – Long, Mientkiewicz, Morris, Zilka, Chandler
3. Approval of Agenda
4. Approval of Minutes
 - A. Board of Zoning Appeals regular meeting held on March 6, 2019
5. Petitions

A. BZA-2019-002; **GFL Environmental**

Location: 30880 Smith

Request: In accordance with *Sections 20.04(a)* and *20.07(e)* of the Zoning Ordinance, a variance to expand a nonconforming building and use of property as a paper recycling center

Project: 10,800-sq. ft. building expansion, 34-space truck parking expansion, and 23-space employee parking lot

Petitioner: GFL Environmental USA Inc.

B. BZA-2019-003; **GFL Environmental**

Location: 30880 Smith

Request: A use variance in accordance with *Section 22.03(d) Use Variances* of the Zoning Ordinance to use the property for plastics recycling

Project: 10,800-sq. ft. building expansion, 34-space truck parking expansion, and 23-space employee parking lot

Petitioner: GFL Environmental USA Inc.

C. BZA-2019-004; **Robert Sims**

Location: 10381 Ozga and 37241 Herman St. (Parcel ID #80-067-01-0010-301 and #80-067-01-0009-302).
Request: A variance from *Section 3.07(b)(3)* of the Zoning Ordinance for lot depth to width ratio. All lots created shall have a lot depth not more than 4 times its width. The proposed lot reconfiguration results in the lot depth being 4.5 times the width.
Project: Reconfiguration of parcels (adding rear portion of 37241 Herman St. to 10381 Ozga)
Petitioner: Robert Sims

D. BZA-2019-005; **Charger Logistics**

Location: 28800 Highland
Request: A variance from *Section 8.04(a)* of the Zoning Ordinance for total lot coverage to exceed the 75% allowed; 90% impervious lot coverage is proposed.
Project: Trailer storage expansion
Petitioner: Gary Lamarand
Andy Khera, Charger Logistics

E. BZA-2019-006; **Penske Logistics**

Location: 15520 Wayne Road
Request: A variance from *Section 48-7* of the Sign Ordinance to allow a 386-sq. ft. wall sign on the north elevation of the building where up to 140 sq. ft. is allowed.
Project: Wall sign for new building
Petitioner: Allied Signs, Inc.

F. BZA-2019-007; **Gateway III**

Location: 8300 Merriman
Request: Variances from *Section 7.04(a)* of the Zoning Ordinance for the following:
1) a rear yard setback variance; 35 feet required where 10.5 feet is proposed, and
2) a variance to allow total lot coverage to exceed 75%; impervious lot coverage of 83% is proposed.
Project: Development of a 7,952-sq. ft. retail building
Petitioner: Sean Koza, Merriman Investments, LLC

6. Old Business

7. New Business

8. Communications

A. City Planner's Status Report

9. Discussion

10. Adjournment

4. Approval of Minutes

Motion by Mientkiewicz, support by Morris, to approve the minutes of the regular meeting of the Board of Zoning Appeals held on March 6, 2019.

Roll Call Vote: Ayes – Mientkiewicz, Morris, Clark, Long, Chandler. Nays – None. **Motion carried.**

5. Petitions

Chair Chandler explained that GFL Environmental was requesting two variances this evening. The requests would be heard one at a time.

A. BZA-2019-002; **GFL Environmental**

Location: 30880 Smith
Request: In accordance with *Sections 20.04(a)* and *20.07(e)* of the Zoning Ordinance, a variance to expand a nonconforming building and use of property as a paper recycling center
Project: 10,800-sq. ft. building expansion, 34-space truck parking expansion, and 23-space employee parking lot
Petitioner: GFL Environmental USA Inc.

Dennis Cowan, Plunkett Cooney, Attorney for GFL Environmental, was present on behalf of this application for a variance to expand a nonconforming building and use as a paper recycling center. Evan Barrett, District Manager, GFL, Joseph Munem, Director of Government Affairs and Public Relations, GFL, and Rick Burns, NTH Consultants, were also present.

- Mr. Cowan said they were proposing \$3 million worth of improvements to the facility at 30880 Smith. GFL purchased the property in 2016 as part of a greater acquisition package regarding waste disposal in Southeastern Michigan. As part of their capital improvements plan, and in an effort to bring the site into a more conforming status, GFL was requesting the expansion of an existing building in order to move all operations indoors, including storage of plastic and paper.
- Mr. Cowan noted there were 142 businesses in Romulus that utilized the cardboard and paper recycling operation, as well as businesses throughout the region. The improvement would not increase volume and truck traffic would not be increased.

Noting that the required notifications had been sent first class mail, with an affidavit on file, Chair Chandler opened the meeting for public comment.

- Daniel Lovenduski, 30790 Smith Road, Romulus, said that he lived in the middle of GFL's property. GFL owned land to either side of and behind his property. Over time he had a number of problems with the recycling operation, and he believed GFL was here this evening because they had been denied a rezoning, based on the fact that they did not own enough property. GFL needed Mr. Lovenduski's property in order to rezone and he believed that was why they wanted the variance.
- Mr. Lovenduski noted that he had sent a letter to the Board (stamped received March 27, 2019). He made the following points:
 - The current condition of Smith Road was horrible due to the constant truck traffic. If GFL expanded there would be more traffic.

- Smith Road was also used as a staging area for GFL's trucks, who parked on the road. No parking/no standing signs should be installed on Smith Road.
- Last Friday a truck had pulled over on Smith Road and got stuck. GFL had to come with a front end loader to pull the truck out, leaving mud and debris on the road.
- Every day there was mud and gravel on the road from the trucks. This was a safety hazard, especially when someone used a motorcycle, as Mr. Lovenduski did.
- Today the City of Romulus had a sweeper truck on Smith Road for 3-4 hours cleaning west of GFL.
- Mr. Lovenduski had flooding problems because of the paper debris in the ditch, which plugged the culverts. The ditch on the north side of Smith Road needed to have a culvert installed for the entire length; this might stop Mr. Lovenduski's flooding problems.
- Mr. Lovenduski was concerned that if the variance were granted, and GFL did not purchase his property, the problems would continue. He requested a barrier wall be built around his property, with a rat wall. There were rats in his yard due to the GFL site, with the result that he could not use his own back yard.
- Two to three years ago there was a fire on the GFL site, which spread to his yard and camper.
- Mr. Lovenduski had heard from employees and other sources that if GFL was not granted the variances, they would close down. If that were to happen, Mr. Lovenduski still wanted the rat wall.
- Mr. Lovenduski wanted GFL to succeed, but not at his expense. They needed to succeed the right way. GFL had begun repairs and improvements in the past, but without permits, and the City had to stop them. Again, GFL should do things the right way.
- Truck traffic was very common at 4:30 – 5:00 a.m. GFL was only allowed to operate 7 a.m. to 7 p.m.
- GFL had consistently flaunted the rules of the City. There was no trust that they would follow the City's direction and do what they said they were going to do.

Chair Chandler invited the applicants to respond to Mr. Lovenduski's comments.

- Mr. Cowan said that \$3 million worth of improvements spoke for itself. GFL would not be getting new business from this investment; rather they would be moving everything inside and bringing the site into greater conformity, while cleaning it up.
- In addition to the improvements sought via a variance this evening, part of the \$3 million investment was storm water management and underground retention basins both front and rear, along with paving the interior roads. Those improvements were part of the plans already presented to the City.
- GFL had inherited the facility and recognized it needed upgrades.

The Chair again recognized Mr. Lovenduski.

- Mr. Lovenduski commented that he was a 54-year resident of Romulus, and gave a brief history of the property under consideration this evening, which had originally belonged to his grandparents.
- He had walked the property last week.
 - There was no security, no gates, and the buildings didn't have doors on them and were full of debris.
 - There were 4 half bodies of pick-up trucks and many steel drums – perhaps a couple hundred. GFL was not supposed to be doing metal recycling on the property.

Seeing that no one else came forward to speak, Chair Chandler closed this portion of the public hearing and brought the matter back to the Board.

Member Morris made the following comments:

- While he understood Mr. Lovenduski's problems, Member Morris also had lived in Romulus all his life, and remembered when it was mostly farmland. Unfortunately, he couldn't afford to own all the land surrounding his property. Property owners who owned land had the right to use it.
- The applicants wanted to improve the property. Putting all operations inside a building and eliminating outdoor storage would improve the site. GFL was making certain promises, and it would be up to the City to ensure that those promises were kept.
- Doing nothing – leaving the site as it was – was not the answer.

Chair Chandler asked about security and containment if the proposal went forward.

- Mr. Cowan said that GFL was going to put in a front gate which would be secured in the evening. The doors of the buildings would be repaired. They would also meet Fire Marshal requirements.
- Mr. Cowan said the fire that had occurred was a freak accident, when on a windy day a pole broke in half and fell on a truck full of papers that was in the process of being loaded. The fire happened during normal operations, and GFL had reimbursed the City for their costs in fighting the fire.
- The buildings would be fire suppressed, including the new construction.

In response to questions from Member Long, the development team made the following points:

- The 10,800 square foot expansion would use part of the existing building on the extreme north end of the site. Other buildings would remain.
- Everything on the site would be enclosed in buildings with doors. Only trucks that would be loading and unloading would be outside. The new building would have bays where trucks would back up for their loading operations. Trucks would have to pull up to existing buildings to be loaded.
- There would be trucks on site, but not long-term truck storage. A truck might be on site overnight.
- In addition to the security gate, the entire property would be fenced. There would be a wooden privacy fence in front with landscaping that would improve site aesthetics, and an 8-foot high fence around the entire perimeter.
- The applicants were working with the City to develop an operations plan that incorporated litter clean-up on a daily basis as needed, including litter along all fence lines.
- The applicants understood the concern about wear and tear on Smith Road, but GFL was not the only business that used that road.

In response to further questions from Chair Chandler, the development team offered the following information:

- Hours were 7 a.m. to 7 p.m. on weekdays.
- Trucks did sometimes back up on Smith Road, when there was a backup in the yard.
- GFL had daily truck traffic. They would address trucks pulling over on Smith Road; sometimes those trucks were not GFL trucks. GFL recognized that this was a coaching opportunity; they should be able to handle all their business on site.

- Their scale was located about 300 yards into the site. Occasionally, most often toward the end of the day, there was a backup onto Smith Road. They were hoping that when the lot was paved, the trucks would all be able to wait inside.

City Planner Maise referred to the March 25, 2019 MSKS letter, and noted that many of the site plan and operations issues being discussed this evening would be reviewed further, if the BZA decided to act favorably on the variance requests. She made the following additional points:

- The City was requiring that a Special Land Use and Site Plan review and approval process be completed. That would require another public hearing before the Planning Commission, and the Planning Commission would make a recommendation to City Council, who would be the final decision makers in this case.
- Truck back up was a big concern, as staging on a public road was not permitted. The applicants would have to show as part of their Special Land Use application how truck back up would be resolved.
- Property maintenance was also a big concern. If the applicants could not meet conditions requiring site clean-up and ongoing maintenance, they would not get Special Land Use approval.
- As noted in the MKSK report, the Planning Commission had recommended denial of the conditional rezoning because there were significant concerns about the property, including concerns relating to the illegal non-conforming uses, potential safety hazards, and the general disrepair and unkept nature of the site, not because of the size of the property as mentioned by Mr. Lovenduski.
- The City felt an application before the BZA was appropriate because the Board was the appropriate body to deal with nonconformities and variance requests.
- The applicants were going to remove the nonconforming scrap metal operation, which had never received permission to be located on the site. Tonight, the applicants were seeking a use variance to include the plastics recycling which was also never approved, and they were also seeking a dimensional variance, in order to put all the storage inside a building.

Mr. Morris asked for further information regarding drainage.

- Mr. Burns said the concept was for underground retention. The full engineering plans would show storm water being handled entirely on site, with discharge to the City's storm water system. Drainage would be managed with a combination of paving, pipes, and basins, providing passive treatment.

The Chair recognized Mr. Lovenduski, who asked to make some final comments.

- There already was a cyclone fence around the property. That fence did nothing to keep rats and vermin off Mr. Lovenduski's property, due to the piles of debris and machinery, along with trailer storage, on the GFL site.
- Mr. Lovenduski gave several examples of encountering rats on his property, including inside his garage. Again, if the variances were granted, he requested a masonry wall with a rat wall around his property, so that he could use his rear yard.
- In response to a question from Chair Chandler, Mr. Lovenduski's said rats were on his property because of the trash from GFL operations. Also, when GFL had tried to do things without pulling permits, they had used bulldozers, etc., which caused ground vibrations, upsetting rat habitat. Every time GFL brought in heavy equipment and started moving things around, the rats were chased toward his property.
- His whole house vibrated from trucks going over GFL's speedbumps, which woke him in the early morning hours. The entire operation was worse than it had ever been.

Chair Chandler commented that the City and GFL were trying to improve the GFL site and operations.

City Planner Maise advised that tonight the issue before the Board was whether to grant the use variance and non-use variance. The Special Land Use and Site Plan approval process would address some of the issues brought forward by Mr. Lovenduski.

Chair Chandler invited the applicants to speak on the next agenda item before the Board took action.

B. BZA-2019-003; GFL Environmental

Location: 30880 Smith
Request: A use variance in accordance with *Section 22.03(d) Use Variances* of the Zoning Ordinance to use the property for plastics recycling
Project: 10,800-sq. ft. building expansion, 34-space truck parking expansion, and 23-space employee parking lot
Petitioner: GFL Environmental USA Inc.

Dennis Cowan, Plunkett Cooney, Attorney for GFL Environmental, was present on behalf of this application for a variance to expand a nonconforming building and use as a paper recycling center. Evan Barrett, District Manager, GFL, Joseph Munem, Director of Government Affairs and Public Relations, GFL, and Rick Burns, NTH Consultants, were also present.

- Mr. Cowan said that when the applicants purchased the property they were not aware the plastics recycling was non-conforming. This request for a use variance was to help bring the operation into conformance. They were going to phase out the metal recycling, which action represented a significant income loss for GFL. Plastic recycling was imperative. Residents threw their paper and plastics in one bin, and they were separated at this facility, and then shipped out. There was no manufacturing at the facility, and no odor from the plastic.
- In response to a question from Chair Chandler, Mr. Cowan said the Royal Oak facility handled metal recycling.

Chair Chandler opened the meeting for public comment. Seeing that no one came forward to speak, Chair Chandler closed this portion of the public hearing, and indicated he was ready to entertain motions for agenda items A and B.

Member Morris commented that the requested variances would allow GFL to make needed improvements on the site, and offered the following motion:

MOTION by Morris, support by Long, to approve the variance as requested for BZA-2019-002; GFL Environmental, 30880 Smith Road, Romulus MI, in accordance with Sections 20.04(a) and 20.07(e) of the Zoning Ordinance, to expand a nonconforming building and use of property as a paper recycling center, in order to allow a 10,800-sq. ft. building expansion, 34-space truck parking expansion, and 23-space employee parking lot, with the following conditions:

- That the site plan and operations plan shall meet the following requirements per Section 11.04 Waste Handling and Disposal Standards (d):
 - Ensure that truck access is not visible from Smith Road; or, if unavoidable to achieve, proper buffering is required along Smith Road to screen truck activity from the public street.

- A traffic and trip generation study for Smith Road is required to determine if any upgrades are needed to accommodate the associated truck traffic as outlined by the City of Romulus.
- Construction of at least an 8-foot wide sidewalk along the right-of-way frontage of Smith Road.
- Existing landscaping on parcel 3 be shown as part of a revised Site Plan to indicate that this area will remain landscaped.
- Additional landscaping along the eastern side of Parcel 2 be installed and reviewed and approved administratively, to buffer the recycling facility from the existing adjacent residential property (Parcel 80-042-99-0066-702).
- Application for a Special Land Use and Site Plan be reviewed and approved by the City Planning Commission and City Council.
- A revised operations and maintenance plan that matches the new site plan and conditions set forth by the BZA be submitted by the applicant for further review by City staff and City Planning Commission.
- Provide additional detail on the concept plan to indicate that the site meets certain requirements per the Romulus Zoning Ordinance (i.e. greenbelt landscaping, detention/retention pond landscaping, façade improvements, fencing, traffic impact analysis and anticipated trip generation, and any other requirements as noted after administrative review).
- Special Land Use and Site Plan applications be submitted within 90 days of this approval.

Roll Call Vote: Ayes – Morris, Long, Mientkiewicz, Clark, Chandler. Nays – none. **Motion carried.**

Chair Chandler ask for a motion for agenda item B: BZA-2019-003; **GFL Environmental.**

MOTION by Long, support by Mientkiewicz, to approve the use variance as requested for BZA-2019-003; GFL Environmental, 30880 Smith Road, Romulus MI, in accordance with Section 22.03(d) Use Variances of the Zoning Ordinance, in order to use the property for plastics recycling, with the following conditions:

- That the site plan and operations plan shall meet the following requirements per Section 11.04 Waste Handling and Disposal Standards (d):
 - Ensure that truck access is not visible from Smith Road; or, if unavoidable to achieve, proper buffering is required along Smith Road to screen truck activity from the public street.
 - A traffic and trip generation study for Smith Road is required to determine if any upgrades are needed to accommodate the associated truck traffic as outlined by the City of Romulus.
- Construction of at least an 8-foot wide sidewalk along the right-of-way frontage of Smith Road.
- Existing landscaping on parcel 3 be shown as part of a revised Site Plan to indicate that this area will remain landscaped.
- Additional landscaping along the eastern side of Parcel 2 be installed and reviewed and approved administratively, to buffer the recycling facility from the existing adjacent residential property (Parcel 80-042-99-0066-702).
- Application for a Special Land Use and Site Plan be reviewed and approved by the City Planning Commission and City Council.

- A revised operations and maintenance plan that matches the new site plan and conditions set forth by the BZA be submitted by the applicant for further review by City staff and City Planning Commission.
- Provide additional detail on the concept plan to indicate that the site meets certain requirements per the Romulus Zoning Ordinance (i.e. greenbelt landscaping, detention/retention pond landscaping, façade improvements, fencing, traffic impact analysis and anticipated trip generation, and any other requirements as noted after administrative review).
- Special Land Use and Site Plan applications be submitted within 90 days of this approval.

Roll Call Vote: Ayes –Long, Mientkiewicz, Morris, Clark, Chandler. Nays – none. **Motion carried.**

C. BZA-2019-004; **Robert Sims**

Location: 10381 Ozga and 37241 Herman St. (Parcel ID #80-067-01-0010-301 and #80-067-01-0009-302).
Request: A variance from *Section 3.07(b)(3)* of the Zoning Ordinance for lot depth to width ratio. All lots created shall have a lot depth not more than 4 times its width. The proposed lot reconfiguration results in the lot depth being 4.5 times the width.
Project: Reconfiguration of parcels (adding rear portion of 37241 Herman St. to 10381 Ozga)
Petitioner: Robert Sims

Robert Sims, 10381 Ozga Street, Romulus, was present on behalf of this application for a variance in order to reconfigure parcels resulting in a lot depth being 4.5 times the lot width. Mr. Sims made the following points:

- Mr. Sims' father had purchased the property in 1962; in 1989, upon retirement, his father had subdivided the property. In 2003 his father had passed away.
- The property at 37241 Herman Street needed to be sold. Before that happened, Mr. Sims would like to add the back of Herman property to his property at 10381 Ozga Street. The back of the Herman property contained a storage building that was originally the storage facility for Mr. Sims' house on Ozga Street, which he purchased in 2003.
- The storage building housed farm equipment and other items inherited from his father.
- Mr. Sims was requesting the variance in order to continue to utilize the storage building and land as part of 10381 Ozga Street.

Noting that the required notifications had been sent first class mail, with an affidavit on file, Chair Chandler opened the meeting for public comment.

- Norman Sims, Robert Sims' brother, said he was the Trustee for the Trust that owned 37241 Herman. All the beneficiaries of the Trust supported this property split as requested. Keeping the storage facility linked to 10381 Ozga allowed the family to keep family heritage items in the storage building there.

Seeing that no one else came forward to speak, Chair Chandler closed this portion of the public hearing and brought the matter back to the Board.

Member Mientkiewicz asked if the legal descriptions would match the properties being discussed this evening.

- Mr. Sims said that a portion of 37241 Herman would be added to 10381 Ozga.
- City Planner Maise further explained that the new rear portion of 10381 Ozga would not be able to be sold without a further lot split. The front portion of 37241 Herman would be a separate parcel and could be sold. Both properties would meet dimensional requirements of the Zoning Ordinance, except for the lot depth to width ratio. The City had reviewed the proposal, and if the variance were granted, the next step would be to file the lot split with the assessor's office.

Member Long asked about the accessory building that needed to be removed from the Herman Street property.

- Mr. Sims explained that accessory building was a storage shed separate from the house and storage building being discussed this evening.

MOTION by Morris, support by Long, in the matter of BZA-2019-004; Robert Sims, 10381 Ozga and 37241 Herman St. (Parcel ID #80-067-01-0010-301 and #80-067-01-0009-302), to approve the variance from *Section 3.07(b)(3)* of the Zoning Ordinance for lot depth to width ratio, to allow a lot reconfiguration that will result in the lot depth being 4.5 times the width for the property, by adding the rear portion of 37241 Herman Street to 10381 Ozga Street, as described this evening, subject to:

- Removal of the accessory building between the residence and storage building on the Herman property.
- Approval of the land division application by the Assessor's Office.

Roll Call Vote: Ayes –Morris, Long, Mientkiewicz, Clark, Chandler. Nays – none. **Motion carried.**

D. BZA-2019-005; Charger Logistics

Location: 28800 Highland
Request: A variance from *Section 8.04(a)* of the Zoning Ordinance for total lot coverage to exceed the 75% allowed; 90% impervious lot coverage is proposed.
Project: Trailer storage expansion
Petitioner: Gary Lamarand
Andy Khera, Charger Logistics

Gary Lamarand, Charger Logistics, 28800 Highland, was present on behalf of this application for a variance from Section 8.04(a) for total lot coverage, in order to allow 90% impervious lot coverage for a trailer storage expansion.

Mr. Lamarand made the following points:

- The site was a difficult, interior site surrounded by industrial uses. There was only 60 feet of frontage to get into the 5-1/4 acre site. They were requesting the expansion of trailer storage on the west side.
- Charger Logistics needed the extra space for their trailers, and they were trying to maximize the number of trailers that could access the site. There would be 4 different tiers of trailer storage.
- All the adjacent properties were abutting to the fence with their surface areas. Charger Logistics was proposing to pull their surface area away from the fence by at least 40 feet and take the trailers all the way up to that, resulting in 90% lot coverage.
- The entire site would be paved with concrete and a storm water management system would be constructed that would tie into the existing storm water system.

Noting that the required notifications had been sent first class mail, with an affidavit on file, Chair Chandler opened the meeting for public comment. Seeing that no one came forward to speak, Chair Chandler closed this portion of the public hearing and brought the matter back to the Board.

Member Morris said this would be an improvement to the subject site.

City Planner Maise said this project had been before the Planning Commission as noted in the documents in the Board Members' packets. The applicant had submitted a revised site plan which was currently under review.

MOTION by Long, support by Clark, in the matter of BZA-2019-005; Charger Logistics, 28800 Highland, to approve a variance from Section 8.04(a) of the Zoning Ordinance for total lot coverage, to allow 90% impervious coverage for trailer storage expansion, as requested, with the following condition:

- Approval of the revised site plan by ARC and resolution of all Building, Fire and DPW items as identified on the City certification inspection.

Roll Call Vote: Ayes –Morris, Long, Mientkiewicz, Clark, Chandler. Nays – none. **Motion carried.**

E. BZA-2019-006; **Penske Logistics**

Location: 15520 Wayne Road
Request: A variance from *Section 48-7* of the Sign Ordinance to allow a 386-sq. ft. wall sign on the north elevation of the building where up to 140 sq. ft. is allowed.
Project: Wall sign for new building
Petitioner: Allied Signs, Inc.

Jim Fields, Allied Signs, 33650 Giftos Drive, Clinton Township, was present on behalf of this application for a variance in order to permit a 386-square foot wall sign where 140 square feet was allowed by ordinance. Hazen Shipman, Penske Logistics, was also present.

- Mr. Fields explained that the entrance on Wayne Road was narrow, with a huge tree line. The property was large and the building was set back over 500 feet from the road. A 140 square foot sign would not be visible from the road, and the applicants were requesting a 386-square foot wall sign on the north elevation of the building.

Noting that the required notifications had been sent first class mail, with an affidavit on file, Chair Chandler opened the meeting for public comment. Seeing that no one came forward to speak, Chair Chandler closed this portion of the public hearing and brought the matter back to the Board.

In response to questions from the Board, the applicants gave the following information:

- Penske Logistics would not be requesting another variance for another building sign.
- Mr. Fields said he represented the sign company and didn't know anything about potential tree removal along Eureka Road. He explained how the sign would help visibility, from Wayne and Eureka Roads.
- Mr. Shipman explained that the building was surrounded by wetlands, which was off limits for tree removal.
- The Romulus Fire Department had asked Penske to get a bigger sign so that in the event of emergency, the building would be more visible.

MOTION by Mientkiewicz, support by Morris, in the matter of BZA-2019-006; Penske Logistics, 15520 Wayne Road, to approve a variance as requested from Section 48-7 of the Sign Ordinance, to allow a 386 square foot wall sign on the north elevation of the building as presented this evening, where up to 140 square feet was permitted by ordinance.

Roll Call Vote: Ayes – Mientkiewicz, Morris, Clark, Long, Chandler. Nays – none. **Motion carried.**

F. BZA-2019-007; **Gateway III**

Location: 8300 Merriman
Request: Variances from *Section 7.04(a)* of the Zoning Ordinance for the following:
3) a rear yard setback variance; 35 feet required where 10.5 feet is proposed, and
4) a variance to allow total lot coverage to exceed 75%; impervious lot coverage of 83% is proposed.
Project: Development of a 7,952-sq. ft. retail building
Petitioner: Sean Koza, Merriman Investments, LLC

Scott Tousignant, Boss Engineering, 3121 E. Grand River Avenue, Howell MI was present on behalf of this application for variances as described, in order to allow the development of a 7,952 square foot multi-tenant retail building at 8300 Merriman.

Mr. Tousignant made the following points:

- As the applicants were going through site plan review process with the City, it became apparent that they needed to amend the request in order to allow a buffer to give room to address any concerns the City might have in terms of shifting parking spaces, etc.
- Therefore Mr. Tousignant was asking the application be amended to request up to 85% impervious lot coverage, rather than the 83% originally requested.
- The site was an outlot between two existing hotels. There was shared ingress/egress with the hotels, on both the north and south side of the proposed building.
- Based on existing site circulation, the applicants were limited in terms of potential configurations for the proposed building. They were also focused on pedestrian safety and would like as many parking spaces to be as close to the building as possible.
- Given the space and size of the existing parcel, if the building was to conform with the front and rear setback requirements, they would only have half the depth of the entire lot, resulting in an extremely limiting building envelope.

Noting that the required notifications had been sent first class mail, with an affidavit on file, Chair Chandler opened the meeting for public comment. Seeing that no one came forward to speak, Chair Chandler closed this portion of the public hearing and brought the matter back to the Board.

In response to questions from Chair Chandler and the Board, Mr. Tousignant gave the following information:

- No letters of intent had been signed for the restaurant spaces, because the applicants could not guarantee the building would be constructed until the City processes were complete.
- There had been significant interest from national brands.
- Regarding easement agreements for ingress and egress, when the parcels were split several years ago, an easement agreement was included that required shared ingress/egress for the two existing drives.

- Currently the applicants were showing 4 tenant spaces. There was potential for a single tenant to occupy two of those spaces.
- Regarding a timetable for the project, because this project had been started two years ago, the applicants felt they could have the building up and running by the end of 2019.

In response to a question from Chair Chandler regarding traffic congestion and circulation for the site, City Planner Maise said this project had been approved a couple of years ago, with the current plan having minor amendments. The City's traffic consultants from MKHK and OHM were reviewing the plans for traffic and pedestrian safety.

Chair Chandler indicated he was ready to entertain a motion.

MOTION by Morris, support by Clark, in the matter of BZA-2019-007; Gateway III, 8300 Merriman, to approve:

1. A variance as requested from Section 7.04(a) of the Zoning Ordinance for a rear yard setback variance; 35 feet required where 10.5 feet is proposed, and
2. A variance as amended to allow total lot coverage to exceed 75%, up to 85% impervious lot coverage

to allow the development of a 7,952 square foot building.

Roll Call Vote: Ayes – Morris, Clark, Long, Mientkiewicz, Chandler. Nays – none. **Motion carried.**

6. Old Business: None

7. New Business: None

8. Communications

A. City Planner's Status Report

- City Planner Maise reviewed applications coming to the BZA in May.
- City Planner Maise gave a brief update on the Upscale Warehouse construction process.

9. Discussion – None.

10. Adjournment

Motion by Mientkiewicz, support by Long, to adjourn the meeting at 8:29 p.m.

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



Donald Morris, Secretary
Zoning Board of Appeals