

**MINUTES OF THE CITY OF ROMULUS REGULAR MEETING OF THE  
BOARD OF ZONING APPEALS HELD ON WEDNESDAY, OCTOBER 5, 2016**

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

Excused: Donald Morris

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

3. Motion by Zilka, supported by Long to approve the agenda as presented.  
Roll Call Vote: Ayes - Zilka, Long, Mientkiewicz, Clark 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 July 6, 2016
- B. Board of Zoning Appeals regular meeting held on September 7, 2016

5. Petitions

- A. **BZA-2016-025; McLane Foodservice – Building Setback**

Location: 15670 Wahrman (DP #80-125-99-0008-700)

Request: A variance from *Section 8.04, Area, Height and Placement Requirements and Section 11.12(d)(4), Large Warehouse and Distribution Facilities of the Zoning Ordinance* to allow a 45-foot front yard building setback on Genron Ct. where a 60-foot front yard setback is required.

Project: The construction of a 241,379-sq. ft. warehouse for McLane Foodservice

- B. **BZA-2016-026; McLane Foodservice – Parking Setbacks**

Location: 15670 Wahrman (DP #80-125-99-0008-700)

Request: A variance from *Section 8.04, Area, Height and Placement Requirements and Section 11.12(d)(4), Large Warehouse and Distribution Facilities of the Zoning Ordinance* to allow a 28-foot front yard parking setback along I-275 and a 51-foot front yard parking setback on Genron Ct. where a 60-foot front yard setback is required.

Project: The construction of a 241,379-sq. ft. warehouse for McLane Foodservice

**C. BZA-2016-027; McLane Foodservice - Fences**

Location: 15670 Wahrman (DP #80-125-99-0008-700)

Request: A variance from *Section 13.03(b)(3), Fences* is requested to allow a fence in the front yard setback along I-275 and Genron Ct. Fences are required to meet the front yard setback requirement which is 60 feet.

Project: The construction of a 241,379-sq. ft. warehouse for McLane Foodservice

**D. BZA-2016-028; McLane Foodservice – Building Height**

Location: 15670 Wahrman (DP #80-125-99-0008-700)

Request: A variance from *Section 8.04, Area, Height and Placement Requirements of the Zoning Ordinance* to allow a 48-foot high building where building height is limited to 45 feet.

Project: The construction of a 241,379-sq. ft. warehouse for McLane Foodservice

**E. BZA-2016-029; McLane Foodservice – Light Levels**

Location: 15670 Wahrman (DP #80-125-99-0008-700)

Request: A variance from *Section 13.05(b), Light Levels*, is requested to allow the illumination under the canopies of 30 foot-candles where up to 10 foot-candles is allowed.

Project: The construction of a 241,379-sq. ft. warehouse for McLane Foodservice

6. Old Business

**A. BZA-2016-010; Sandra Dove**

Location: 35841 Cypress (DP# 80-020-01-0239-002)

Request: A variance from *Section 11.15(b), Keeping of Animals of the Zoning Ordinance* to allow the keeping of goats on property that is less than 5 acres in size.

Project: Keeping of (2) pet Nigerian dwarf goats on 0.35 acre of property

7. New Business

A. Zoning Ordinance Amendment. *Section 22.03(e), Temporary Building and Uses – Time Limits*

8. Communications

A. City Planner's Status Report

9. Discussion

10. Adjournment

4. Motion by Long supported by Mientkiewicz to approve the amended minutes of the regular meeting of the Board of Zoning Appeals held on July 6, 2016 and the minutes of the regular meeting of the Board of Zoning Appeals held on September 7, 2016.

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

5. Petitions

- A. **BZA-2016-025; McLane Foodservice, Building Setback**, 15670 Wahrman, requesting a variance from *Section 8.04, Area, Height and Placement Requirements and Section 11.12(d)(4), Large Warehouse and Distribution Facilities of the Zoning Ordinance* to allow a 45-foot front yard building setback on Genron Ct. where a 60-foot front yard setback is required. DP #80-125-99-0008-700.
- B. **BZA-2016-026; McLane Foodservice, Parking Setback**, 15670 Wahrman, requesting a variance from *Section 8.04, Area, Height and Placement Requirements and Section 11.12(d)(4), Large Warehouse and Distribution Facilities of the Zoning Ordinance* to allow a 28-foot front yard parking setback along I-275 and a 51-foot front yard parking setback on Genron Ct. where a 60-foot front yard setback is required. DP #80-125-99-0008-700.
- C. **BZA-2016-027; McLane Foodservice, Fences**, 15670 Wahrman, requesting a variance from *Section 13.03(b)(3), Fences* is requested to allow a fence in the front yard setback along I-275 and Genron Ct. Fences are required to meet the front yard setback requirement which is 60 feet. DP #80-125-99-0008-700.
- D. **BZA-2016-028; McLane Foodservice, Building Height**, 15670 Wahrman, requesting a variance from *Section 8.04, Area, Height and Placement Requirements of the Zoning Ordinance* to allow a 48-foot high building where building height is limited to 45 feet. DP #80-125-99-0008-700.
- E. **BZA-2016-029; McLane Foodservice, Light Levels**, 15670 Wahrman, requesting a variance from *Section 13.05(b), Light Levels*, is requested to allow the illumination under the canopies of 30 foot-candles where up to 10 foot-candles is allowed. DP #80-125-99-0008-700.

Tom Sovel and Leslie Jenkins, Civil Engineers, Spalding DeDecker 905 E South Blvd, Rochester, MI 48307, stepped forward to speak on behalf of McLane Foodservice

- Mr. Sovel gave a brief history of the project. He stated that the applicant was before the Planning Commission and Board of Zoning Appeals in 2011 and received site plan approval and variance approval. The building previously proposed was smaller, approximately 170,000 sq. feet, but the economy went south and the project got placed on hold. Since then the economy has improved and the applicant has a need to proceed with a larger building at 247,000 sq. feet. A few things that worked against them was the rezoning of the property to M-2, which pushed the setbacks in from the roads. Also, McLane knew the site was borderline too small for what they wanted to do and they looked for other properties around the area, but they could not find anything as perfect as this site. They had at one point thought of selling the property, but they kept coming back to it because it is a prime location, having access to the freeway.

- Mr. Sovel explained that the site has frontage on three streets and they are able to work with the 60 foot front setback requirements on Wahrman Road and on I-275 but, on Genron Ct., where the circle bows out around the end, there is a 45-foot setback; this is driving the need for the setbacks variance.
- Mr. Sovel showed the board members a power point presentation of the site.
- Mr. Sovel stated that the parking setback variance request is very similar to the reason for the building setback. There is a driveway and a service yard that has an intrusion into the setbacks, therefore creating the need for the variance request.
- Mr. Sovel explained that the racks and cranes need additional height creating the need for the variance on building height.
- Mr. Sovel noted that the need for the fence variance is because it will encroach into the setbacks and go around the parking and driveway.
- Mr. Sovel stated that the need to increase the lighting footcandles under the canopies is for safety. The operations go into the night hours and with the truck traffic and unloading, the perfect light level is 30 footcandles and 10 footcandles is not adequate. He noted that he was open to dialog from the board and Ms. Maise in regards to the light levels.

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

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

- Mr. Chandler stated per the planner's report, the main subject that needed to be addressed was the light levels since there was some concern for the need on the intensity.
- Mr. Sovel commented that the light level may not need to be 30 but McLane feels it needs to be higher than 10 because they work through the night at the darkest hours and with the amount of truck traffic and workers moving around unloading trucks, they feel that the workers safety is more important.
- Mr. Chandler asked Mr. Sovel to explain what the canopies are and if the request was for all of the canopies.
- Mr. Sovel stated that the canopies are under the docks and that the higher footcandles are 20 feet from the building, not out into the tractor staging areas and parking lots.
- Mr. Chandler asked if the lights will shine out to I-275 or Wahrman Road.
- Mr. Sovel replied that they will not. The light levels are concentrated at the loading area.
- Ms. Maise commented that the concern was that 30 is pretty high. The ordinance allows 20 footcandles under bank or gas station canopies where the public's safety is concerned. In this case the concern is visibility from I-275 since 30 footcandles might draw more attention to the site. After talking with the applicant, if 20 footcandles would be satisfactory, that is more acceptable.
- Mr. Chandler asked where the loading dock was.
- Mr. Sovel replied that it is at the north side of the building. The importance for the higher light levels is for the backing in of the trucks; it is very important to them that they have good visibility.
- Ms. Maise commented that they all agree with that.
- Mr. Chandler asked if there was thought of going to the 20 footcandles.
- Mr. Sovel replied that they would be open to that. After receiving the review letter, there was discussion and after realizing that there would be resistance to 30 footcandles, they were hoping to meet somewhere in the middle.

- Mr. Zilka asked if there would be any bearing on the airplanes at 20 footcandles.
- Mr. Sovel didn't believe so, he thinks they will all be shielded downward and not shining up into the night sky.
- Ms. Maise commented that one thing all development projects are required to file a "Notice of Intent to Construct" with the FAA. She asked Mr. Sovel if they have filed that form.
- Mr. Sovel replied that they have not yet.
- Mr. Mientkiewicz asked Mr. Sovel if there was any concerns with the recommendations from the report.
- Mr. Sovel replied no. With the extensive landscaping they are proposing, the fence or even the parking lot on the I-275 side will likely not be visible. They went through a waiver process through Planning Commission to reduce the amount of trees because they just couldn't fit anymore in there. So, there is a really good screening buffer.
- Mr. Mientkiewicz suggested that the 20 footcandles be entered into the recommendations and the motion.

Motion by Zilka supported by Clark to approve **BZA-2016-025, BZA-2016-026, BZA-2016-027, BZA-2016-028 and BZA-2016-029; McLane Foodservice** for the following variances:

- a. **BZA-2016-025; Building Setback** to reduce the front building setback along Genron Ct. from 60 feet to 45 feet;
- b. **BZA-2016-026; Parking/Loading Setbacks** to reduce the parking setback from 60 feet to 25 feet along I-275 and to 51 feet along Genron Ct. and to reduce the loading/storage setback from 75 feet to 60.14 feet along Wahrman;
- c. **BZA-2016-027; Fence Location** to allowing fencing to encroach into the reduced front yard setbacks along I-275, Wahrman and Genron Ct.;
- d. **BZA-2016-028; Building Height** to allow a building height of 48 feet; and
- e. **BZA-2016-029; Light Level** to allow 20 footcandles under the canopies only.

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

## 6. Old Business

- A. **BZA-2016-010; Sandra Dove**, 35841 Cypress, requesting variance from Section 11.15(b), Keeping of Animals of the Zoning Ordinance to allow the keeping of goats on property that is less than 5 acres in size. DP# 80-020-01-0239-002 (Postponed on July 6, 2016.)

Sandra Dove, applicant, 35841 Cypress stepped forward to speak.

- Ms. Dove stated that she was not able to obtain all the signatures for her petition that she wanted because she was not able to do the walking. Only one person who refused to sign her petition to keep her pet Nigerian dwarf goats.
- Ms. Dove commented that her variance request to keep her 2 pet Nigerian dwarf goats is still the same and reminded the board that the goats are pets that stay inside and that the neighbors have never seen them, nor will they. She wasn't aware that there wouldn't be any problem with having them as pets. They are of no threat to anyone and are very friendly.
- Ms. Dove stated that she had a fence installed and is waiting for final approval of the fence from the Building & Safety Department.

- Mr. Chandler asked Ms. Maise if notices were sent out again to the surrounding neighbors.
- Ms. Maise replied yes, the neighbors were notified once again.

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.

Gilbert Perry, 35857 Cypress stepped forward to speak.

- Mr. Perry explained that he lives next door to the applicant and express his concerns with Ms. Dove keeping goats on such a small lot. He is opposed.

James Lee, 35856 Cypress stepped forward to speak.

- Mr. Lee explained that he lives across the street from Ms. Dove and he is also opposed to the applicant keeping her goats. He is also concerned with the amount of animals Ms. Dove is keeping in her house besides goats. He expressed his concern for Ms. Dove and her daughter's health with so many animals in their home.

Kenneth Wright, 35911 Vinewood stepped forward to speak

- Mr. Wright explained that he lives behind Ms. Dove and that he frequently visits his neighbors and stated that all of the neighbors do not want goats in the neighborhood. His hope is that the board deny Ms. Dove's request to keep her goats since she does not have the property to properly take care of them.

Chairman Chandler closed the public comments portion of the meeting and opened it up to comments from the Board members.

- Mr. Chandler commented that after looking at Ms. Dove's petition, he wasn't sure any of the neighbors were asked to sign it. There seemed to be signatures from people all over the city and although most people are not against goats, the issue is the size of the property. Under the ordinance it states that you must have at least 5 acres of property to have goats and Ms. Dove's request just doesn't meet the ordinance requirements.
- Mr. Zilka commented that it is helpful to have the backing of the neighbors when asking for a variance and he doesn't see support from the neighbors, he see's opposition.
- Mr. Zilka asked Ms. Dove if the goats are female and if she would have them bred.
- Ms. Dove replied that they are female and yes, she would eventually breed them for their milk and butter. She would only keep the babies for 2 weeks and then find them homes. You wouldn't get the milk and butter if you keep them longer. The goats are only bred to lactate.
- Ms. Dove requested that since it appears that she will not be allowed to keep her goats, that she have 1-2 weeks to place them somewhere.
- The board members stated that they have no problem with giving Ms. Dove some time to place the goats somewhere else.
- Ms. Maise stated that the board members technically have the right to grant 30 days because the board's actions don't become effective until the minutes are approved the following month.
- Mr. Chandler explained to Ms. Dove that the board members are bound to the ordinance.
- Mr. Long suggested to Ms. Dove that with her love of animals, she might want to try finding a home for her goats at one of the local farms that has 5 or more acres to keep them.
- Ms. Dove stated that her daughter has a farm and, although she wanted the goats with her, she will take them to her daughter's farm.

Motion by Zilka supported by Clark to deny **BZA-2016-010; Sandra Dove**, the keeping of (2) pet Nigerian dwarf goats on less than 5 acres. Ms. Dove has 30 days to relocate her goats.

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

#### 7. New Business

- Mr. Chandler stated that there was a memorandum from the Planning Department regarding the duration of temporary use approval.
- Ms. Maise commented that before the proposed Zoning Ordinance amendment went to Planning Commission she wanted to run it by the board since it pertains to something that the BZA has authority over. The city attorney suggested that the ordinance clarify when the clock starts on temporary use approvals. This has been an issue with Mid-Michigan Concrete Crushing on Ecorse Rd. They still have not met all the conditions of approval. City policy has been the date of approval from the board. This permit is going to expire in January and the conditions of approval have not yet been met.
- Ms. Maise informed the board members that after speaking to the city attorney, the ordinance language needs to be cleaned up. While it now says that a temporary approval is good for 12 months, it needs to be clear on when that 12 months starts. Board action is effective when the minutes are approved which is typically 30 days after the official action on the request.
- Mr. Sheldon commented how interesting it is how it affects someone's plans.
- Ms. Maise stated that there were some significant conditions of approval placed on the applicant by the BZA for temporary use that dealt with meeting with Wayne County and doing some environmental studies, which they did.
- Mr. Long asked if the extension was 3 or 6 months on a temporary use.
- Ms. Maise stated that the extensions are 6 months, but temporary uses are good for 12 months. It used to be that temporary uses were only good for 6 months and the applicant can come back for a 3 month extension but, it was changed a couple of years ago and 6 months was just too short of time.
- Mr. Mientkiewicz commented that he was ok with how it was previously at 6 months for approval and 3 months for extension.
- Ms. Maise stated that most of the applicants are doing things on-time.

#### 8. Communications

##### A. City Planner's Status Report

- Ms. Maise informed the board members that the Planning Commission is busy working on the Master Plan focusing on the Vining Road/Ecorse area. There will be a study session with City Council soon.
- Ms. Maise also mentioned that the Planning Commission approved a cell tower on Northline and the applicant will be coming to BZA next month for a couple of variances.

#### 9. Discussion

#### 10. Adjournment

Motion by Zilka supported by Long to adjourn at 7:45 p.m. Roll Call Vote: Ayes – Zilka, Long Mientkiewicz, Clark and Chandler. Nays – None. Motion Carried.

  
\_\_\_\_\_  
Donald Morris, Secretary  
Zoning Board of Appeals

cw