

#80-097-99-0004-704

Request: Approval to allow a temporary parking lot during the construction of a building addition for Aerostar Manufacturing.

D. BZA-2015-010; **PackSpec**

Location: **8111 Middlebelt**
#80-046-99-0032-700

Request: To consider the expansion of a nonconforming building and variances as follows:

1. A variance to *Section 8.04(a)* to allow the widening of the existing loading area into the nonconforming front yard setback along Smith Road.
2. A variance to *Section 8.04(a)* to allow impervious lot coverage of greater than 75% for a proposed pavement expansion.
3. A variance to *Section 14.03(c)* to allow overhead doors for truck loading areas to face a public right-of-way.
4. A variance to *Section 13.07(b)(1)* to allow the cyclone roof-top equipment to be unscreened.

Project: The applicant is proposing the addition of truckwells and associated pavement and renovation to existing 164,945 sq. ft. building

6. Old Business

7. Communications

A. City Planner's Status Report

8. Discussion

9. Adjournment

4. Motion by Zilka supported by Clark to approve the minutes of the regular meeting of the Board of Zoning Appeals held on May 6, 2015; approval of the minutes of the special meeting of the Board of Zoning Appeals held on May 13, 2015 and approval of the minutes of the special meeting of the Board of Zoning Appeals held on May 22, 2015. Roll Call Vote: Ayes – Zilka, Clark, Morris, Long & Chandler. Nays – None. Motion Carried.

5. Petitions

- A. BZA-2015-007; **Ernest Arkoh, 28004 Willowtree:** A variance to *Section 3.05(a)(2)* to allow a chain link fence to extend into the front yard (along Meadow Ave.) DP# 80-141-01-0096-000

Chairman Chandler requested anyone wishing to speak regarding the petition to come forward.

Ernest and Tracey Arkoh, 28004 Willow Tree; Stepped forward as petitioners.

- Ms. Arkoh stated that they would like to install a chain link fence on the property line in what they consider to be their back yard which happens to face Meadow. Their homes front faces Willow Tree. They are on what they believe to be a very busy intersection, the Police have been called several times throughout the week due to all the cars speeding by and running stop signs. They have two small children and they fear for their safety. They have reached out to the Police Department in an attempt to gain record of calls and complaints but they best they were able to attain was a conversation with a Sergeant who said he would attest to receiving many calls for that area. They want the fence to extend from the side of the house to the neighbors fence that is facing north.
- Mr. Chandler stated they have her description and drawing and viewing the location they asked will it be a six (6) or four (4) foot.
- Ms. Arkoh responded about a five foot, we're not trying to go six (6) we think a six (6) foot is a little high for us.
- Mr. Chandler stated that the existing fence appears to be six (6) feet.
- Mr. Morris commented that he didn't think it was six (6) feet.
- Ms. Arkoh stated that they didn't give a definite height of the fence, six (6) feet would be too high.
- Mr. Chandler just wondered if that was what they had wanted.
- Ms. Arkoh said that was fine.
- Mr. Chandler stated four (4) or five (5) foot is the norm.
- Ms. Arkoh responded yes, no more than five (5) foot.
- Mr. Chandler stated that we would like to have it decorative in type chain link fence, but vinyl covered.
- Ms. Arkoh stated that they didn't really plan that in the budget but if that's the requirement.
- Ms. Maise noted that there are other properties in the neighborhood with similar fences in the front yard.
- Ms. Arkoh asked if that is a requirement for them to have the fence.
- Mr. Chandler commented that he did not believe that they are much more than the standard galvanized as far as the cost of the fence. It might be a little bit more but then you don't have to bother painting it.
- Ms. Arkoh clarified if this was a requirement to install the fence.
- Mr. Long responded recommendation.
- Ms. Maise stated in order to get the variance, because the fence is in the front yard, in an area where it is not allowed there asking that be a little bit more decorative in nature just so that it holds up a little bit better, so they are asking that be either the black vinyl coated chain link or painted black.
- Mr. Chandler asked if they had received any estimates on the cost of the fence.
- Ms. Arkoh commented that her brother is a contractor, so they are working with him.
- Mr. Chandler stated that she will get a good deal from him then.

- Ms. Arkoh commented so we'll work with it, if that is what it takes to keep our kids safe then we just have to do what we have to do, but if it is not a requirement then.
- Mr. Chandler stated he really didn't think it was that much more with the vinyl coating.
- Ms. Maise commented that paint would likely not be that costly.
- Mr. Chandler commented and then to have to paint it. He recommended seriously looking into the vinyl coated.
- Ms. Arkoh responded that they don't want to debate about it, they agree with whatever will get the fence there for the safety of their children and if that is a requirement, then they will just have to work with that.

Chairman Chandler closed that portion of the meeting.

Chairman Chandler asked if anyone wished to speak on this matter.

- Ms. Susan Schieda, 15329 Meadow, came forward and stated that she has lived in her home for forty four (44) years and she's never known anyone to have such a problem getting a fence. This will not obstruct the view from the other street or anything. They are just asking for a plain wire, cyclone fence. I guess it is five (5) feet, I have a six (6) feet around my house but I've had it for years. They need to have something for these children. It's just dangerous on Meadow street, it is like a speedway.
- Mr. Chandler stated that he understands and that is why you come to us with the problem and we can work with you on it. We have certain codes and restrictions that we have to abide by and there are some areas that you can't do that because of certain limitations.
- Mr. Morris commented that basically we don't want subdivisions with fences completely surrounding the front yard.
- Ms. Schieda stated that she understands
- Mr. Morris continued so if someone wants to put it into their front yard we do allow it, it's just if it is coming into the front yard we want it to look nice because most of the time the fence is in the back and you don't really see it. Now you're going to see it a little bit.
- Ms. Schieda stated that this is not in their front yard, this is on the side of the house and the front yard is completely empty. There is not a fence at all in the front yard.
- Mr. Chandler stated that there is a safety issue there and they appreciate that. It makes a difference when you have little kids to protect and he understands there is a problem with traffic there.
- Ms. Schieda stated a big problem.
- Mr. Long asked, from the variance that you are seeking, what he sees in the pictures, the front yard won't be fenced in.
- Ms. Schieda interrupted no.
- Mr. Long continued it's just the side from the corner of the home.
- Ms. Schieda responded right.
- Mr. Long continued would be fenced in.
- Ms. Schieda agreed absolutely.
- Mr. Long continued and I understand the recommendation which is not required, it's a recommendation for the fence to be vinyl or painted, that is what it is a recommendation for decorative purposes.
- Ms. Schieda responded wow this must be something new, yeah because I've never seen this.

- Ms. Maise noted that the recommendation is from staff for the Board to consider. It is not optional for the applicant to decide but rather it could be a condition from the Board.
- Mr. Long agreed.
- Ms. Maise continued and explained that the ordinance requires that both yards along the streets are treated as front yards so that they're both wider than a typical side yard. The wider yard is safer. This is an older subdivision and it was established before this ordinance requirement. Fences were allowed in the smaller side yard. As part of the zoning ordinance rewrite, new standards for fences were added and in particular fences on a corner lot were not allowed to extend in front of the residence if the adjacent residence was facing toward the front. In this case the neighbor has a fence already in the front yard. It seems that it would be fair to allow this applicant to extend their fence to connect with the neighbors. Staff does not have any problems with it except it is recommended that it be black vinyl coated or painted so that it maintains the look over time. It is a recommendation that the Planning and Building Departments suggest and is sometimes required. The Board will decide if they want the variance conditioned on it or not.
- Ms. Schieda asked so what's the verdict.
- Mr. Chandler responded we're going to do it right now.

Chairman Chandler closed the discussion portion of the meeting.

- Mr. Long asked what the height limit is for a cyclone fence, questioning if it were six (6) feet.
- Ms. Maise stated that they don't actually like them that high in the front yard and they mentioned that it may be five (5) feet.
- Ms. Schieda stated that the average size of a cyclone fence is five (5) feet or asked if it was four (4).
- Mr. Morris responded four (4).
- Ms. Schieda agreed ok, four (4).
- Ms. Maise noted that if staff had to make a recommendation they would go with the four (4). She thought the one next door is four (4) foot.
- Mr. Morris stated he thinks they are four (4) foot.
- Mr. Long stated that it looked to be four (4) feet.
- Ms. Maise stated that she would stay consistent with that.
- Ms. Arkoh stated that their neighbor's fences are all higher than four feet. The one that is from the house north, I believe is six (6), we really didn't want to do that, at the most it would be five (5) I think that is sufficient for the kids and trying to climb a fence or whatever, four (4) feet I kind of felt that didn't give enough if you guys wouldn't mind.
- Ms. Maise noted concern if one fence is at a certain height and this one is above it. She suggested they be the same.
- Ms. Arkoh clarified and asked if they have to match that fence.
- Ms. Maise agreed.
- Mr. Morris responded I don't think so.
- Mr. Long stated no.
- Ms. Schieda made a comment.
- Ms. Maise stated that he has to abide by what the board decides.
- Ms. Arkoh clarified so it doesn't matter.
- Mr. Chandler said no.
- Ms. Arkoh said ok thank you, I just want to get clarity.

- Mr. Long stated but no more than the ordinance requirements, no more than that.
- Ms. Arkoh asked and that is the.
- Ms. Maise stated that the reason they are here is because the ordinance doesn't allow it.
- Mr. Long clarified doesn't allow for that in the front yard.
- Ms. Maise responded that a little three (3) foot decorative high fence is allowed in the front yard but not in the side yard of a corner lot. That is why they are here.
- Mr. Long stated that his motion would be no higher than five (5) feet then. You can go four (4) but no higher than five (5).
- Ms. Arkoh responded ok thank you.
- Mr. Clark mentioned that he has a corner lot also and he went with a two rail, vinyl, split rail fence. He knows that it won't keep the little one in but he feels that four (4) feet is plenty high. He was lonely allowed to have is a four (4) feet high fence on a corner lot. Traffic is coming from both ways and he noted concern about not seeing a car coming.
- Mr. Long stated right, yeah, but we're going with the chain link.
- Ms. Arkoh stated so right now we're going with the chain link, we didn't want to be closed in like that just for safety, so at this point I'm just getting a clarity, we're still at no higher than five (5) right.
- Mr. Long agreed no higher than five (5).
- Ms. Arkoh said ok thank you.
- Mr. Long stated it must be vinyl coated or painted black.

Motion by Long, supported by Morris to approve BZA-2015-007; to allow a chain link fence to extend into the front yard (along Meadow Ave.), not to exceed five (5) foot in height.

Roll Call Vote- Ayes: Long, Morris, Clark, Zilka & Chandler Nays- None.

- Ms. Arkoh asked if they needed to do anything after this.
- Ms. Maise explained that they will receive a letter and then they will be able to go to the building department to pull the permit.
- Ms. Arkoh thanked the board.

B. BZA-2015-008; **Paul & Angie Cabe 8754 Cogswell**; A variance to *Section 3.04(a)(3)b* to allow a 4,080-sq. ft. accessory building which results in 5,345 square feet of accessory buildings; the ordinance allows a maximum of 2,400 sq. Ft. for all detached accessory buildings. DP #80-027-99-0016-000

- Mr. Zilka disclosed that he had gone to the Cogswell property and asked Mr. Cabe to take him to the back of the property where the accessory building would be built.

Mr. Paul Cabe stepped forward as petitioner, 8754 Cogswell.

- Mr. Cabe presented to the board pictures of the finished privacy fence that he had approved by the building department and installed around the perimeter of his property. He is attempting to screen the building from the neighborhood.
- Mr. Chandler asked for a bit of an explanation of his request.

- Mr. Cabe stated that there was no request for screening; he put up the fence voluntarily. He wanted a fence there anyways to separate his home from the subdivision next to him. He stated he owns his own business, he does not operate out of my home, he does drive his truck home, he does bring some of his equipment home but he does not work out of his home. He does building maintenance, there is no way he can physically bring a building home.
- Mr. Cabe and his wife and moved to Romulus about a month and a half ago. The reason they chose to move to Romulus was because they found a piece of land that supported what they were looking for. They ran into a lot of misfortune in Garden City where they used to live. They had a vehicle stolen, they had two vehicles attempted stolen, they had a lot of equipment stolen and that is why he is proposing to build such a large business, to keep all of his equipment in and out of harms way. Out of the weather elements and out of the thieves hands.
- Mr. Cabe explained that he is not looking to deface anyone's property or make anything look bad. He noted that he owns 3.1 acres, the building is going to be set back quite a few hundred feet off of the road, it's not next to any other residential buildings, and the rear of the building is actually gas pipe line easement. Beyond that, the small set of woods, which he owns, beyond that is a retention pond. The other side, to the south is all woods back there where the building is going to be. He doesn't see how this will harm anyone. The existing buildings on the property right now, the one small shed is in bad disrepair which they will tear down. There is a small playhouse in the yard which his granddaughter, who is five years old, will play in it. His wife parks in the existing two car garage. Part of the garage will be used for storage for things like coolers, bikes, wagons and things for his granddaughter who comes over and plays quite often.
- Mr. Cable understood that the lady who used to live there before allowed people to live in the outbuildings. He won't be having anyone living in any of the outbuildings. The other outbuilding that is out there they have converted into a sort of barbeque shed where they barbeque and have picnic tables to keep away from the mosquitoes. The building will be constructed by himself. He has all the plans. The color of the building will be so that it blends with the abutting neighborhood. He referenced the pictures and noted that he already trimmed all of the trees real nice and all the fence is in. He believes he's done everything in his power to make the place look nice and afford the building in there.

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

- Bruce King of 8755 Cogswell stepped forward and stated that he lives right across the street from Mr. Cabe's residence. He is concerned that this could become a business. He does have a lawn service and landscaping business because he's seen the vehicles coming in and out of the property. He stated that the building is over three times the size of his house. He owns a fifteen hundred (1,500) Sq. Ft. home and this building is three times it's size. That is a large structure. I don't know what type of equipment he owns, I just don't want to see it as a business with a residential neighborhood. Most of us live on an acre and a half to ten acres of land, I want to keep it that way, semi-rural and it is not a commercial zone.
- Mr. Chandler stated it's not allowed there anyway.
- Mr. King stated that he understands that but when it gets built he doesn't have much faith in the city, that Department of Public Works would do much about it. He's lived in his home for 15 years and he doesn't want to see commercial activity going on at the property across

from his residence where I can't sit on the front porch in the evening or during the day and enjoy the quality of life I had before he moved in.

- Mr. Cabe responded that he does have lawn maintenance as part of his building maintenance; they do have to cut grass and such at some of the buildings we maintain. He does want to keep his equipment inside this building. He doesn't think it is fair to him to have to store this equipment outside.
- Mr. Chandler asked if he would be operating his business in and out of the property.
- Mr. Cabe responded no. My equipment will be stored there and I will be pulling it in and out of there, yes.
- Mr. Chandler asked on a daily basis.
- Mr. Cabe responded no. My lawn equipment only leaves maybe twice a week.
- Mr. Chandler asked how many vehicles do you have, I see you have a list of vehicles here.
- Mr. Cabe stated he has several vehicles, he has two race cars.
- Mr. Chandler asked titled to you.
- Mr. Cabe responded yes they are, not titled to my business. They belong to my wife and myself. Some are titled to my business, yes.
- Ms. Maise responded that leads to another question, how many are titled to the business.
- Mr. Cabe answered two I believe.
- Ms. Maise confirmed, two of them have commercial licenses.
- Mr. Cabe responded yes.
- Ms. Maise stated the commercial vehicle section of the ordinance allows only one. Section 3.06, so if there is more than one commercial vehicle, that is titled to a commercial company, he'll need another variance on that.
- Mr. Cabe said ok, I wasn't aware of that. We're new to Romulus, I'm not trying to be mean to anybody, I'm not trying to change their way of living, that is why I spent all of the money to put the fence up. My home alone is 2,200 sq. ft. We don't have a basement so we need extra storage.
- Mr. Chandler added that it brings rise to attention that a pole barn of that size and with your business is it going to expand. It is a big building.
- Mr. Cabe said yes it is a big building, I have a 36 ft. motor home, I have two race cars, I've got a lawn maintenance trailer.
- Mr. Chandler asked if the race cars were just hobbies.
- Mr. Cabe said yeah, they're just toys. Right down the street on the other side of the subdivision there are two race cars, two race car trailers. Down on the other side of the road there is a guy who works on cars, has motors hanging out in front of the house, junk cars. Down on the other side of Ecorse there is another resident who has a bunch of stuff out there.
- Mr. Chandler stated that they are just trying to get a feel for how he's going to operate his business out of there.
- Mr. Cabe stated that he does not intend on operating a business out of there, no. I intend on keeping my property secure.
- Mr. Chandler asked how he makes contact with his customers.
- Mr. Cabe responded that his customers are all contracts, everything is set up over the phone they are small apartment buildings mainly out of Garden City and Wayne. He has a couple in Allen Park that he services. He has a doctor's office in Allen Park that he services.
- Mr. Chandler stated that on the plans he sees a huge porch on the south side of the structure and stated that it is nice, but what is the reason for the porch.

- Mr. Cabe responded that the reason for the porch is for all the lawn furniture and such that they have around the house and the yard.
- Mr. Chandler asked that he is not going to put it inside.
- Mr. Cabe stated in the winter no, the vehicles will be locked inside.
- Mr. Chandler asked if it will have a concrete floor.
- Mr. Cabe stated eventually but not right away.
- Mr. Chandler stated that he would have to walk back there; he is not familiar with the area.
- Mr. Cabe stated that he took Mr. Zilka back there and showed him. A lot of his equipment was out when he walked back there.
- Ms. Maise asked if he had employees who work for him.
- Mr. Cabe responded yes he does.
- Ms. Maise asked how many.
- Mr. Cabe responded two.
- Ms. Maise questioned if they are ever on the property.
- Mr. Cabe stated that they come and go but not for work.
- Ms. Maise clarified that they do not to come and get the vehicles.
- Mr. Cabe stated no, that he drives the vehicles.
- Mr. Chandler stated that they are just trying to get a feel for what he is going to be doing over there.
- Mr. Cabe admitted that his employees have been over quite a bit lately, they helped him put the fence in. The fence wasn't something he could handle alone; there was over four hundred 400 feet of fence installed. It wasn't a job he could do by himself.
- Mr. Chandler asked if he was going to build this barn himself.
- Mr. Cabe said yeah, with the help of his employees.
- Mr. Chandler Clarified, you and two guys.
- Ms. Cabe stated and our kids.
- Mr. Cabe stated and the kids, he has a son and a daughter and his wife has two sons. They are all 20+ years old and will be helping.
- Mr. Chandler stated that it is a big barn and he'll need some equipment for it.
- Mr. Cabe stated they have Garden City Rental he has an account over there which he will utilize.
- Mr. Chandler asked for any further questions or comments.
- Mr. Long stated that what he understands from the drawings submitted the building will be two hundred (200) feet or yards from your residence, how far will you be back.
- Mr. Cabe responded at least two hundred (200) feet from his home.
- Mr. Long clarified from the residence.
- Mr. Cabe responded yes.
- Mr. Long asked so in proximity, how close would that be to the neighbors. There is nothing else around.
- Mr. Cabe answered the only neighbors house that I will be close to is the one who's backyard abuts to my property in the subdivision to the north and i'll still be forty (40) feet from it.
- Mr. Long stated since Mr. Zilka was there on the site, I would like to hear what he has to say as far as the site itself.
- Mr. Zilka responded that he would agree with him that is about forty (40) feet from the neighbor, the closest one. With the fence that he put up there that is going to shield most of the stuff what he does. I would suggest one thing though, if he puts in a gravel driveway

which is a possibility, you're going to have to keep chloride on there to keep the dust down unless you some time in the future put asphalt in.

- Mr. Cabe agreed and stated that his plan is to eventually put in a concrete pad and eventually asphalt it. It's just that we're talking right now twenty thousand (20,000) to buy the building, another ten thousand (10,000) to build the building, another twenty thousand (20,000) to build the driveway and another twenty thousand (20,000) in concrete. I don't have an extra one hundred thousand (100,000) just sitting around right now that I'm not using, so I am going to have to do it in steps. I've come to the City every step of the way with what I've wanted to do. I have a few neighbors who became concerned when we put the fence in. I actually took the time and went through the property and found all the irons for the survey and made sure my fence was directly on the irons and I still have neighbors go to the city complaining who is going to clean up my property. I am sorry that they were not maintaining three more feet of their property, well now they have the chance to maintain it. I am directly on the line, I am not over on anyone else's yard. I don't intend on it, I'm just trying to improve my property and in the same turn it did improve their property because they now have a nice dog eared pressure treated privacy fence going through their property. I didn't go the other route that I could have; I could have bought the other \$18.00 a section stockade fence which in two years it would be rotted and falling over. I bought nice fence, I spent the extra money to make it all look nice so it's all going to look good for the community itself.
- Mr. Long responded that he appreciated Mr. Cabe's answer and he appreciated Mr. Zilka's input as well.
- Mr. Zilka stated that to him he would think with the equipment he saw sitting around in the yard it would be better off in a building instead of sitting around, being in a building would make the neighborhood look nice and that is his own opinion.
- Mr. Long stated that if they were to approve the variances for his building with.
- Mr. Long was interrupted by public comments
- Ms. Maise stated that they may want to get the public comments before a decision is made.
- Mr. Long asked if he could finish what he was saying first, if he could state his opinion. He continued, if we are to approve your variances, would all of your equipment be stored inside the building.
- Mr. Cabe stated yes.
- Mr. Long clarified that there will be nothing out in the yard.
- Mr. Cabe stated that nothing will be in the yard everything will be inside the building.
- Mr. Chandler asked for other comments from the public.
- Gerod Funderburg of 39047 Buckingham stepped forward to make comment. He stated that his property kind of backs up against the subdivision and five thousand (5,000) sq. ft. is kind of big, but my concern was the height of the building itself. Most of our homes are two thousand (2,000) so I was wondering what the height of the structure would be and also the retention pond in the subdivision, the runoff is on his side so I wanted to know how that would affect the irrigation in regards to runoff.
- Mr. Cabe stated that he would love to answer his question. The retention pond, I am still one hundred seventy eight (178) feet east of the retention pond. I have the gas line easement and then a set of woods and then a retention pond. The height of the building from what I understand, we are allowed sixteen (16) feet, I was only going to go fourteen (14) feet. He doesn't need the extra two feet height. He said he's not going to bring any cranes or anything in.

- Mr. Funderburg stated that the reason he asked is because the so called farmer's ditch that runs out to Cogswell a lot of times when there is a problem with it, it causes a back up and we were told that he was putting in a five thousand (5,000) sq. ft. building we looked at our homes which are roughly twenty two hundred (2,200), to twenty five hundred (2,500) and thought wow this is twice the size of our home. We were considering height as well as width and had no information in regards to the height. We just knew a five thousand (5,000) sq. ft. building was going up.
- Ms. Maise explained that one thing she can clear up is the misunderstanding regarding the size of pole barn he actually wants to build. Our understanding is that it is a (3,600) sq. ft. building with a porch. There are additional accessory structures on the site that he spoke about earlier, the additional garage and play house when you add them all up it is five thousand (5,000) sq. ft. so there is a little bit of miscommunication. It is not a brand new five thousand (5,000) sq. ft. that is going up, it is a little smaller than that. She just wanted to straighten that out.
- Mr. Chandler stated it is not just one building.
- James Edwards of 38647 Nottingham Drive stepped forward to make comments. He stated that his property and his neighbors property is exactly where Mr. Cabe is saying this structure will be forty (40) feet from. We welcome you to the neighbor hood, I also run a commercial business. I understand what he is saying he wants to put there, it is going to be the noise in my bedroom, my wife's bedroom, my kids bedroom that is just over the side of the fence. The privacy fence is beautiful, him taking that, my wife and I we never did trim the pine trees behind us because she wanted the privacy. The reason we built into the neighborhood when we moved from Redford out here, we built here because of the quietness. The previous owner that was there, we did have some issues with her family members that were doing some things in there, but the City and the Police, you guys took care of it. The lady that was living there was ill, but they sold the property. I have no disrespect in the gentleman wanting to have his business there but this is a lot of construction there or equipment. I own trucks, I run equipment as well, the reason I don't bring my equipment home is because of the noise, the diesel fuel, the starting them up the pulling them out. He has a dog, I have a dog and my neighbor has a dog. I understand that and we have to try to keep them quiet as much as possible. My main concern is the zoning, rezoning, is this being rezoned for commercial.
- Mr. Chandler stated no.
- Ms. Maise responded absolutely not.
- Mr. Edwards continued this gravel road that he is putting in saying that he is one hundred (100) feet from his home, but only 40 feet from my back yard, my deck where we sit, we relax and enjoy the comfortability of our home.
- Mr. Chandler questioned, as far as the noise issue how are you going to control the exhaust, the muffler noise, the drive noise and stuff like that.
- Mr. Cabe stated that the biggest equipment that he owns is a sixty (60) inch bobcat rider. It is no bigger than a lawnmower.
- Mr. Chandler asked if he owns any diesels.
- Mr. Cabe responded no, no diesels. None of my trucks are diesel, the biggest truck I own is an F-350. Basically a large pickup truck. I don't have big trucks and I don't have big equipment like that and I don't intend on being out there at 9 or 10 at night banging and stuff, I'm sure that the city has noise ordinances against that and I'm sure they would let me know not to be out there and I am open to my neighbors all they have to do is come to me and ask

me not to be back there at a certain time if it bothers them. I am not opposed to someone asking me for their own time.

- Mr. Chandler asked, generally when your employees come in there and get the truck, they leave in the morning and they are gone all day.
- Mr. Cabe stated they usually don't come and get the trucks I usually meet them on the job site. They do come occasionally, lately they have been coming and yes they come and pick up the equipment and they leave. They don't come and hang around, they don't bang on anything or fix anything.
- Mr. Chandler asked if they refuel on site.
- Mr. Cabe stated that they do not. They take the equipment to the gas station for any refueling. We gas up there. The other day yes I had a belt break on my lawnmower, we sat there and we changed the belt which any homeowner would do.
- Frank McCurdy of 38752 Nottingham stepped forward with comments. He stated that his concern is that he said he built the fence directly on the property line, when you build a fence aren't you supposed to be at least a foot off of the property line. Or can you build directly on the property line.
- Ms. Maise stated that our ordinance allows you to build a fence directly on the property line.
- Mr. Chandler stated that there are some people for whatever reason who like to build a foot onto their property away from the property line so they have a little room.
- Mr. Long commented that it is maintenance room.
- Mr. Zilka stated that it isn't necessary.
- Mr. Chandler commented that he thinks it is just a comfort feeling.
- Mr. McCurdy clarified that the city ordinance only allows twenty four (2,400) sq. ft. so if we pass this what are other residents in the area going to expect, if they want a five thousand (5,000) sq. ft. structure or thirty six hundred (3,600) sq. ft. structure are you going to pass that.
- Mr. Chandler responded that a lot of it is based on their property, or lot size.
- Mr. McCurdy stated that he has a friend who built a barn on his property to hold his equipment in, it is on Cogswell and he wanted to go bigger but the ordinance denied it.
- Ms. Maise responded that when an applicant goes through the variance process, they have to prove what is called a practical difficulty. He has to prove that he has some unusual or extraordinary circumstances that warrant the increase from twenty four hundred (2,400) total sq. ft. which is allowed. That is the purpose of this board, they are evaluating all of the criteria, like impact on the neighborhood, is it fair, is there a commercial operation being run there. Commercial operations are not allowed in residential. Home occupations are, but there are a lot of limitations on them. What we are trying to do is figure out what is happening on this property and is a practical difficulty warranted in order to grant some sort of variance on this twenty four hundred (2,400) sq. ft. accessory building requirement.
- Mr. McCurdy stated that his main concern is that if this is passed we will be up here every week.
- Ms. Maise stated each case that comes before the board is not precedentially binding. That means that just because we do it for him does not mean we have to do it for everyone else. Again, we have criteria that we have to meet and each case is looked at on a case by case basis. They (the board) have a packet with technical reports from multiple departments. They will listen to comments from the public and they will deliberate on whether this request is warranted. The board does not like to approve structures for sizes that are more than they have to. Mr. Cabe has provided us with a bunch of information of stuff that has to fit in there

with a floor plan on how it will be laid out. The big concern with this request is the commercial business issue. It is sounding like there are other variances that may be needed in this case in regards to commercial equipment on the property, employees on the property; those are other things that are not allowed. That's why we need to sort through things tonight to get all of the information to determine if he has a practical difficulty, if there is something unusual about his piece of property that warrants in essence in breaking the law because our ordinance is our law, our rules. He is asking us to break that.

- Jennifer Ruel of 38658 Nottingham stepped forward with comments. She asked why the ordinance is set at the maximum building size of twenty four hundred (2,400) sq. ft.
- Ms. Maise stated that there is actually a scale. The allowable building space is proportional to the property size. A building beyond the size allowed requires a variance which requires a practical difficulty or extenuating circumstances. The ordinance is written to keep buildings to scale, within proportion. What he is asking for, for a three (3) acre parcel, is that if you are allowed up to twenty four hundred (2,400) sq. ft., for two (2) acres, three (3) acres may warrant a little bigger building. This board has heard several cases similar to this where outdoor storage is needed for things like farm equipment for bigger pieces of property. This property is in our rural character overlay district so it's pretty typical that there are pole barns out there.
- Ms. Ruel stated that she is not opposed to pole barns. She thinks that twenty four hundred (2,400) sq. ft. is a decent size, she feels that thirty six (3,600) is a little excessive. She has a ranch style home and his pole barn is going to be two and a half sizes of her home. He did put up a very nice privacy fence but again the structure will be visible to us over the fence. It is a quiet subdivision he's not talking about lawn equipment and employees and the other homeowner mentioned dogs, when you bring other elements into this all the sudden all the dynamics of the neighborhood begin to change. Those are everyone's concerns. She stated that she spoke with Ms. Maise on the phone and she understands it is a case by case basis but when someone sees it go up, someone is coming to the city and asking for a variance and you will be presented with more cases.
- Ms. Maise responded this is a common request and we considered these things when the ordinance was written several years ago, we debated on going further. Particularly in the rural character district. They will discuss what is going on in the rural character overlay district and determine whether things need to change. They may need to look at things a little closer and loosen things up a bit. We have to be very very careful though because this particular property is a good example of here is the property and the subdivision is right there. In this area if you look at the map of the rural character overlay district, it is there you've got two areas with single family residences with much smaller lots and we have to figure out the balance and transition. That is why it comes before the board to be looked at on a case to case basis and see if it is warranted.
- Ms. Ruel stated that in the subdivision we will be looking out at a commercial building and even though we know it is not a commercial building we feel that is what we will be looking at. It is almost the size of the Shell gas station on the corner.
- Ms. Maise responded that it is a concern that staff had and in her technical report they were concerned about the distance from the property line to the single family homes and she wondered if it could be moved further. It was suggested that if the board does find that it is warranted that we may want to look closer at where it is going to go and possibly include screening. If it is going to be visible and it is fourteen (14) feet tall, there may need to be some additional landscaping added in there. We weren't really sure if that location was set in stone. First of all we wanted to determine if this is even allowed. The whole commercial

aspect is something we really need to get a lot more information on. Commercial activity and our home occupation ordinance and commercial vehicle ordinance, conducting commercial operations in a residential area is not allowed unless it is a home occupation and there are certain parameters. We need to make sure this can fit into those parameters.

- Mr. Chandler stated that if you'll notice in that area of Cogswell and Wick Rd. you'll see quite a few pole barns a lot of them are built without even needing a variance. For example I was able to build a pole barn on my land that I only needed to obtain a building permit for. When you get over the allowed size you then have to come before us. He read a comment from the review criteria: "The petitioner has provided evidence showing that the proposed 3,600 sq. ft. of pole barn space is needed to store vehicles, equipment, trailers, etc. so that they are secure and protected." We would like to see this equipment inside of a building. Rather than scattered all over someone's back yard. In our opinion he offered reasonable assurance that was his need for that size. We wanted more information for the board to determine whether granting the variance is justified. He believes he has provided pretty good evidence of justifying the size of that barn. Was there any possibility that the barn can be built any smaller.
- Mr. Cabe replied that it could be a few feet smaller, but he wants to build as big as he can. Like any other property owner, he wants to build to the maximum he is allowed.
- Mr. Chandler responded he was going to ask the question previously anyways. We have review criteria that we have to go by and we use that to help us make our decision. We try to be as fair as possible with everybody. In that area if you have noticed there are a lot of pole barns in varying sizes, everyone wants a pole barn or a huge garage. A lot of people do try to make a few extra bucks by doing small side jobs.
- Ms. Ruel stated that to Carol's point, he has three (3) acres but he butts right up to a subdivision and that is the concern, that you will be right behind somebody's house.
- Mr. Cabe stated that he understands and is not trying to ruin anyone's way of living, I want and expect everyone to enjoy their property, I want to enjoy mine. I bought three (3) acres of property and I want to be able to enjoy my three (3) acres of property. By building this building it will allow me to enjoy my property, I'm going to be able to keep everything inside. As far as them saying I am not allowed to have employees coming to my home I understand that too, I understand that wholly and won't need a variance because I won't have them come to my home at that point. I will just say ok the equipment comes here, I bring it in, I bring it out, done. I will meet them on the job site. I'm willing to be fair with everybody, we have been there a month and a half, not one neighbor has come over to introduce themselves.
- Ms. Ruel stated that she felt they got off to a bad start because this is how they were welcomed to the neighborhood by sending out the letter for the variance.
- Mr. Cabe responded that he is ok with that.
- Mr. Chandler stated you'll have to get used to that I live in that same area.
- Mr. Cabe stated the point that he wants to get out is that there are other buildings already on that street larger than his.
- Mr. Chandler stated the old saying that good fences make for good neighbors.
- Mr. Cabe stated that he loves his fence. My dog can run around, I keep my dog on a short leash so to speak. I do have some disrespectful neighbors who live there who don't keep their dogs on a leash and don't pick up after their dogs which I have watched them personally.

- Mr. Wendell Jones of 8774 Cogswell came forward stating that he has the most to lose from this project because he is the next door neighbor. His main concern is the height of the building. He's hearing that the building will be fourteen (14) feet, he asked if that is the max to the eave.
- Mr. Cabe stated that it is fourteen (14) feet to the peak.
- Mr. Jones responded that most of the time motor homes require 13' 6" just to get in.
- Mr. Chandler asked what the height of his motor home was.
- Mr. Cabe stated it is probably about thirteen (13) feet.
- Mr. Chandler stated that they would rather see the motor home in the pole barn.
- Ms. Maise stated that the motor home can be parked in a garage or pole barn.
- Mr. Jones stated that he doesn't like the idea of a tall building towering over everything and there is no privacy fence on his side of the property.
- Ms. Maise added that the plans show the pole barn to be twelve (12) feet in height.
- Mr. Jones questioned how Mr. Cabe's motor home will fit in if it's thirteen (13) feet.
- Mr. Cabe stated everything was measured and it will fit, he may be mistaken of the height of his motor home.
- Ms. Maise added more comment regarding the height that another drawing shows twelve (12) feet just to the eave and the addition of the height of the peak which will make it a bit taller. The ordinance allows a maximum height of seventeen (17) feet. Seventeen feet is what the ordinance allows, but he is quite a bit beneath that. The ordinance allows for accessory buildings to be seventeen feet to the peak.
- Brian and Angela Starks of 38669 Nottingham stepped forward to make comment. Ms. Starks asked how far past the fence the barn would be built. Where he came across with the fence will be the corner of the pole barn.
- Mr. Cabe stated that it will not go past the fence. Where he came across with the fence is where the corner of the pole barn will be.
- Ms. Starks clarified the middle of our yard.
- Mr. Cabe stated yes.
- Ms. Starks asked how long and wide the barn would be.
- Mr. Cabe explained that it will come from that fence forward it's going to be seventy two (72) by fifty (50).
- Ms. Starks asked if it would be over the fence.
- Mr. Cabe responded that it will not be over the trees, he cleaned them up but left the tops of the trees for screening. He doubted it would be higher than the trees.
- Ms. Starks asked if it would be only between her house and her neighbors house.
- Mr. Cabe stated yes.
- Mr. Edwards stated that the back or side of this building will be right outside my bedroom window, whatever will be going on in this pole barn will be right outside my bedroom window and my neighbors bedroom window. He asked why the building is one hundred (100) feet away from his home but forty (40) feet from my home.
- Mr. Cabe stated that they can split the difference and do that as well.
- Mr. Edwards stated that he as well purchased the property, built his home to enjoy his property. He also owns property, he also owns race cars, also owns tractors and several cars he also states that he has all of that put away from his home. Because he doesn't want to interrupt anyone else's coming home, relaxing, barbequing and enjoying their property. He also owns five (5) acres out in Chelsea where we go out and barbeque and sit out there. These are the things that I want to get away from home because I want to relax, he works

sixty (60) hours a week, sometimes seventy two (72). He just wants to be able to come home and relax and enjoy his home.

- Mr. Chandler responded that we all want to do that.
- Mr. Edwards stated exactly.
- Mr. Chandler asked how much property there was between the property line and the back of the house.
- Mr. Edwards stated that he has a chain link fence that he has put up around his yard because of his dog. He put that fence two feet within the property line.
- Mr. Chandler asked from the back of his house to the property line how far he believed that is.
- Mr. Edwards responded probably from the back of my home, my deck we're looking at probably fifty (50) feet and then probably from what he just mentioned another, he feels that he will have to stare at a building behind his house and that he hadn't trimmed the trees because he appreciated his privacy and the esthetic value they provided.
- Mr. Chandler asked what the van in the photographs was used for.
- Mr. Cabe stated that it stores his tools for job sites.

Chairman Chandler closed the public comment portion of the meeting and opened it to discussion from the board members.

- Mr. Zilka commented that Mr. Edwards had said the back of his house to the lot line was fifty (50) feet. If the barn is going to be erected another forty (40) feet in, that is ninety (90) feet. That is almost one hundred (100) feet and there are trees along the lot line plus the privacy fence. Mr. Cabe owns three (3) acres.
- Mr. Edwards interrupted that in respect to that comment if you look at the pictures, the other side of his property is all trees. He asked why couldn't he go on the other side by the trees and not on the side by the subdivision.
- Mr. Chandler stated maybe the gentleman who is building it can answer that.
- Mr. Cabe answered that he chose to put it in this location because it is a straight shot back off of his existing driveway. He didn't chose to put it there to make anyone mad, nothing is carved in stone, it hasn't been approved yet. Anything can be configured a little differently. It can be brought closer to my home further away from my home, it can be moved from side to side. I am not fortunate enough to own my property and another five (5) acres somewhere else. I own what I own, I'm asking for a variance, I'm not asking for anyone to be happy about it.
- Mr. Chandler stated that they are just asking for his input.
- Mr. Cabe stated that he is willing to work with anyone. He just needs to get a base point first.
- Virginia Williams asked if you could go all the way back to the property line with a fence.
- Ms. Maise stated that you can put a fence right on the property line according to our ordinance.
- Ms. Williams asked when that had changed.
- Ms. Maise replied that it has been like that as long as she has been with the City. She asked if it used to be different.
- Mr. Chandler stated not that he can recall.
- Ms. Maise added that the front yard is where the limitations are, but you can always put a fence in your back yard.

- Ms. Williams stated that in 2011 she was told by the building department that if they were to put a fence up they would have to bring it in at least fifteen (15) feet from the property line.
- Mr. Long stated no.
- Ms. Maise asked if that may have been a rule in her subdivision.
- Ms. Williams responded that it can't be a rule in the subdivision when the building department said this. She would like to see what the ordinance says because she does know that it is constantly changing.
- Ms. Maise responded that this part of the ordinance was in effect in 2008 and had not changed.
- Ms. Williams stated that she then had been misinformed by the building department. She commented that she feels if we want people to come to Romulus, we must be fair across the board. She understands that Mr. Cabe wants to put in his barn but the board has to consider the people who are here and have been here considering their concerns as well.
- Mr. Morris stated that we all live on a piece of property, he's heard many times that when someone moved here 20 years ago that was vacant land and now it is a subdivision. He stated that is what happens. He thinks sometimes we get off from where we are going, but basically when someone comes in front of us and wants to put up a pole barn, we have ordinances in effect. We look at the piece of land and how the structure relates to the property. The board is trying to fit this stuff in. You're always going to have something that not everyone likes. He discussed how things relate and what the board faces in their decision.
- Mr. Chandler added that as long as he follows code, he could still put a barn up to twenty four hundred (2,400) sq. ft. wherever he wants without our consent. He could still build a relatively large structure, ten (10) feet from the fence legally without even coming before the board. I think he is trying to be fair with the location and sized of the barn.
- Mr. Morris added that he agrees we do not want a commercial venture out of this piece of property. It is up to the City and we all have our opinions of that, but it is not technically our problem as far as what we intend to do here. This is not zoned commercial but he has these pieces of equipment that he wants to put into a barn. He doesn't have a problem with that but it cannot be a commercial venture.
- Mr. Cabe stated that it is not a commercial venture. He stated that the big equipment that was back there was for excavating the pipeline that runs through his property. There were several calls to the city to ensure that it was Buckeye Pipeline equipment back there. He does not intend to run any business out of the property. He knows that if something was going on the City would be receiving calls every five (5) minutes.
- Mr. Chandler stated that driving down Cogswell you can't even notice the back of the property from the road. From the neighborhood the advantage is that it is in their back yards but if he could maintain some type of screening and a decent fence he thinks that would be sufficient.
- Mr. Cabe stated that he already installed the fence.
- Anita Bailey Lee of 8710 Hampton Dr. stepped forward with questions. She asked if he had considered what this will do to his taxes.
- Mr. Cabe responded that he is not concerned about what his taxes will be, he knows just by buying the property that his taxes will raise.
- Ms. Lee responded okay.
- Ms. Maise clarified that Mr. Cabe stated that he had two (2) commercial vehicles on the property.
- Mr. Cabe stated that he would park one off site.

- Ms. Maise responded that it would just be a matter of amending the variance request to include the additional vehicle. A variance to section 3.06 (c)(1) which allows for one commercial vehicle on the property.
- Mr. Long asked if it is inside would it make a difference.
- Ms. Maise clarified that it would be part of the deliberation that they would require them to be stored inside the building.
- Mr. Chandler stated that he is going to be storing them inside.
- Mr. Cabe reassured that the will be stored inside technically but technically it is one commercial vehicle and a trailer.
- Ms. Maise asked if any of the license plates were plated to the business.
- Mr. Cabe clarified that it is a truck and a trailer that are registered to the business.
- Ms. Maise stated then actually you can have the one truck and if it is a trailer then that would be a variance Section 3.06.
- Mr. Cabe stated that it would be stored inside the building so it wouldn't matter.
- Ms. Maise responded that the ordinance does not distinguish between the vehicle being inside or outside of a garage. It is there to keep commercial business out of residential that is why the number of vehicles are limited. Utility truck is 3.06(c)(2).
- Mr. Chandler asked that that would allow for the trailer.
- Ms. Maise stated to allow for the commercial utility trailer. She stated thank you for clarifying that I was going for two (2) commercial vehicles when one is actually a utility trailer.
- Mr. Chandler stated that in the motion we just have to add that to the variance request to allow the 4,080 sq. ft. accessory building and 3.06(c)(2) to allow for the commercial utility trailer.

Motion by Zilka, supported by Morris to approve BZA-2015-008; Paul & Angie Cabe; 8754 Cogswell. To allow a 4,080-sq. ft. accessory building which results in 5,435-sq. ft. of accessory buildings and a variance to Section 3.06(c)(2) to allow a commercial utility trailer. Subject to the following:

1. Any storage in the accessory buildings on the property must be for the property owner only. No storage from outside sources shall be permitted.
2. No home occupation or other commercial use shall be permitted in either of the accessory buildings.
3. Any home occupation is subject to the standards of Section 11.17(c) of the Zoning Ordinance.
4. Commercial vehicle storage is subject to the standards of Section 3.06(c) of the Zoning Ordinance.
5. Complete screening from the residences to the north must be provided. Trees should not be removed and supplemental vegetation may need to be provided. The location of the pole barn, tree removal (if necessary) and supplemental landscaping will be as determined by the Building and Planning Departments upon review of the building plans and site inspection.
6. Appropriate building permits as determined by the Building Department must be issued.

Roll Call Vote: Ayes-Zilka, Morris, Clark, Long & Chandler. Nays-None. Motion Carried.

- C. BZA-2015-009; **D&G Building Co.** requesting approval to allow a temporary parking lot during the construction of a building addition for Aerostar Manufacturing. DP# 80-097-99-0004-704

Vince DiDomenico Owner of D&G Building and the property at 28275 Northline, Aerostar Manufacturing stepped forward as petitioner.

- Mr. DiDomenico stated that they are adding a seventy thousand (70,000) sq. ft. addition there are currently 180 employees and he is asking to put a temporary parking lot on a vacant lot he owns on the corner of Northline and Harrison. He stated that the neighbor across the street does not like the idea of a temporary parking lot in that location but it is needed for overflow parking during construction. He is complying with the City's request to apply a removal bond to the property to ensure that the parking lot is removed upon completion of construction. He was unaware he had any issues with any neighbors until the neighbor approached him with his discomfort with his project.
- Mr. Chandler asked if it was just a vacant lot that they were using.
- Mr. DiDomenico stated yes just a vacant lot.
- Mr. Morris asked what the temporary parking lot would look like.
- Mr. DiDomenico responded that it would be asphalt mills and gravel and will be taken out as soon as construction is complete. He stated that he did have a small lot in the back but will need to lay pipes there and will not be able to use that lot and that is part of the reason he needs the temporary lot on Harrison.
- Mr. Chandler asked if anyone wanted to speak on it.
- Mr. Dennis Much 13150 Harrison stepped forward with comments. He stated that they have a lot of noise problems with the business as it is. Loud music, car engines happening at all hours of the night since they are open 24 hours. He wants to know where they are going to be entering the parking lot from off of Northline, off of Harrison.
- Mr. Chandler shows that it is off of Harrison.
- Mr. Much asked what is going to keep others from parking in that lot and vandalizing us and our neighbors.
- Mr. Chandler asked what is going on there now.
- Mr. Much responded that there is nothing there now.
- Mr. Chandler asked if it was a 24 hour operation and how many people are on a shift.
- Mr. DiDomenico responded that they usually work two shifts.
- Mr. Chandler asked how many people are on a shift.
- Mr. DiDomenico responded that he is unsure they employ about one hundred eighty (180) people.
- Ms. Maise responded right now there are only twenty four (24) parking spots proposed in this temporary lot.
- Mr. Much stated that they already have problems with people parking over on the other side of the road.
- Mr. Chandler asked on that lot.
- Mr. Much responded that it is partially on his property and partially on another property. He asked what is going to keep vandals and others out.
- Mr. Chandler stated the Police Department.
- Mr. Morris stated that is what they are there for.
- Mr. Chandler stated he didn't know what to tell him.
- Mr. Much asked about the noise issues since all these people are being moved.

- Mr. Chandler stated that if it gets excessive turn in a complaint, Excessive noise is not allowed.
- Mr. Much stated that he has complained twelve (12) times about the noise and nothing has ever been done because it only happens on breaks and on lunch and that is in the middle of the night. We like to sleep too, it's not nice to be woken up every couple of hours by booming music and things.
- Mr. Chandler stated that he lives about a quarter of a mile from the CSX Railroad tracks that cross Wick Road and those guys lay on that horn at 5:45 every single morning and he doesn't need an alarm clock because of it.
- Mr. Much stated he has lived there for fifty six (56) years, it used to be a farm field and they adjusted to the building being there but the noise issues all night what do we do about it.
- Mr. DiDomenico stated that Mr. Much is running a commercial operation out of his home.
- Mr. Much stated that this meeting is not about what he is doing. He stated that he has tried to approach him about a fence or a berm and he is uncivil when discussing matters with him. He can't talk to him. He is only concerned about what is going on at his property.
- Mr. Chandler stated that this is a twelve (12) month permit.
- Mr. DiDomenico stated he only needs it until October.
- Mr. Much responded that they have been there their whole lives but that doesn't seem to matter.
- Mr. Chandler stated unfortunately that is the changing times.
- Ms. Maise stated it is zoned industrial and the City would one day like to see another industrial building built on the corner.
- Mr. Much stated he does not have a problem with that.
- Mr. DiDomenico stated that the company is looking to expand their employees to two hundred fifty (250) people.
- Mr. Morris stated that what they are here to do is to determine whether the empty piece of property zoned light industrial is suitable for a temporary parking lot for a few months. He doesn't feel that it sounds like something that will be very noisy. One day there may even be a building built there. There is talk of the possibility to screen the property and I'm not sure how that can be screened, what are the options there.
- Ms. Maise responded that they had suggested that based on a twelve (12) month or even two (2) year situation but in this case it may not be necessary.
- Mr. Chandler asked that Mr. DiDomenico get with the employees and ask them to keep it quiet.
- Mr. DiDomenico was not aware of the problem. He said as soon as he heard there was a problem he went straight to the employees, the owners and let them know that it needs to stop immediately. He was unaware of the problem.
- Mr. Much stated that his wife went over to the building and asked the foreman if they can be quieter and it didn't seem to work. He doesn't have a problem with Mr. DiDomenico or the building he just doesn't care for the all night noise.
- Mr. Chandler stated that unfortunately this happens in a lot of places and is not a unique situation.
- Mr. Long stated that where he lives at two or three o'clock in the morning he hears radios and boom boxes and unfortunately it is very hard to control what other people do.
- Mr. DiDomenico stated that if there is a continuing noise problem he would like to please be made aware of it so that he can take care of the problem right away.

- Mr. Randy Much of 13130 Harrison came forward and asked about the county ditch that runs through the property and asked how they will get around the ditch.
- Mr. Zilka stated that when the new building is done there will be parking around the whole perimeter of the building.
- Mr. DiDomenico stated that they are adding about eighty (80) to ninety (90) new parking spaces that will be constructed once the building is done.
- Mr. R. Much asked why those spaces can't be utilized now.
- Mr. DiDomenico stated they can't be used until the new building is put in.

Motion by Zilka, supported by Clark to approve a variance request for a temporary parking lot during the construction of a building addition for Aerostar Manufacturing for twelve months subject to the following:

1. Pedestrian access from the temporary parking lot to the Aerostar facility must be safe.
2. Any additional costs associated with removal of the temporary parking lot and/or restoration of the site must be provided as determined by the Director of Public Services.

Roll Call Vote: Ayes-Zilka, Clark, Morris, Long & Chandler. Nays-None. Motion Carried

D. BZA-2015-010; **PackSpec**; 8111 Middlebelt. DP#80-046-99-0032-700 To consider the expansion of a nonconforming building and variances as follows:

1. A variance to *Section 8.04(a)* to allow the widening of the existing loading area into the nonconforming front yard setback along Smith Road.
2. A variance to *Section 8.04(a)* to allow impervious lot coverage of greater than 75% for a proposed pavement expansion.
3. A variance to *Section 14.03(c)* to allow overhead doors for truck loading areas to face a public right-of-way.
4. A variance to *Section 13.07(b)(1)* to allow the cyclone roof-top equipment to be unscreened.

Bennett Donaldson of J.B. Donaldson Contracting stepped forward on behalf of the petitioner.

Mr. Bennett gave a detailed presentation of the operations and requirements PackSpec will need to occupy the building at 8111 Middlebelt Road.

Chairman Chandler asked for questions or comments from the audience, seeing none he closed that portion of the meeting and opened it up to discussion from the board members.

- Mr. Zilka commented that PackSpec was before the Planning Commission in regards to the truck flow and traffic on Smith Road and they felt comfortable with their explanation. Everyone was very happy with seeing that building being used again.
- Mr. Morris is very happy with the refurbishing of the building. He also agrees with the use of Smith Road.

- Jim Gracey, General Manager of PackSpec stepped forward and explained more about what types of things PackSpec makes. He noted that they make packaging materials.

Motion by Zilka, supported by Morris to approve the variance requests for BZA-2015-010; **PackSpec** as follows:

1. A variance to *Section 8.04(a)* to allow the widening of the existing loading area into the nonconforming front yard setback along Smith Road.
2. A variance to *Section 8.04(a)* to allow impervious lot coverage of greater than 75% for a proposed pavement expansion.
3. A variance to *Section 14.03(c)* to allow overhead doors for truck loading areas to face a public right-of-way.
4. A variance to *Section 13.07(b)(1)* to allow the cyclone roof-top equipment to be unscreened.

Subject to the following:

1. Payment in lieu of construction of the sidewalk along Smith in the amount of \$17,940.00
2. A shared access agreement between the applicant and the property to the north to share the driveway on Middlebelt Road if necessary.
3. A quit claim deed of the 43-ft. half width of the master plan right-of-way must be submitted to the city prior to engineering review.
4. Submission of ten (10) sets of a complete revised site plan to be reviewed administratively including the following:
 - a. Illustration and notation of the driveway spacing from the two westernmost driveways.
 - b. A complete lighting plan.
 - c. Complete and consistent dimensional information.

Roll Call Vote: Ayes-Zilka, Morris, Clark, Long & Chandler. Nays-None. Motion Carried.

6. Old Business - None

7. Communications – None

- A. City Planner's Status Report. Ms. Maise stated a few administrative applications have come in today. A lot of fireworks sales with the fourth of July coming up. Next month there is a request

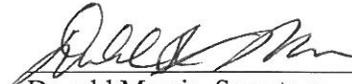
for a parking lot expansion on Harrison and there may be a second variance for a fence coming in.

8. Discussion

- Mr. Chandler discussed the current condition of the City roads and a committee that is being formed attempting to gain funding to fix and maintain the roads.

9. Adjournment

Motion by Zilka supported by Long to adjourn at 8:58 p.m. Roll Call Vote: Ayes –Zilka, Long, Morris, Clark & Chandler. Nays – None. Motion Carried.



Donald Morris, Secretary
Zoning Board of Appeals