

**MINUTES OF THE CITY OF ROMULUS REGULAR MEETING OF THE
BOARD OF ZONING APPEALS HELD ON WEDNESDAY, MARCH 4, 2015.**

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

Also in attendance: Carol Maise, City Planner, Bobbie Marcell, Secretary

3. Motion by Mientkiewicz supported by Morris to approve agenda. Roll Call Vote: Ayes – Mientkiewicz, Morris, Zilka, Long, & Chandler. Nays – none. Motion Carried.

Agenda

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

A. Approval of the minutes of the regular meeting of the Board of Zoning Appeals held on February 4, 2015.

5. Petitions

A. **BZA-2015-002, Outlets of Michigan**

Location: Vining/Wick/I-94
DP# 82-80-058-99-0003-702

Request: Variances as follows:

1. **Impervious Surface Coverage** (*Section 7.04(a)*) to allow total impervious lot coverage to exceed 75%
2. **Parking Space Requirements** (*Section 14.01(f)(6)*) to allow the amount of parking to exceed that allowed by greater than 10%.
3. **Parking Space Dimensions** (*Section 14.02(b)(4)*) to allow the dimensions of the parking spaces to be reduced from 10 feet by 20 feet to 9 feet by 18 feet.
4. **Lighting Levels** (*Section 13.05(b)*) to allow the foot-candle level to be reduced from the required 3 foot-candles to 1-foot candle.
5. **Light Pole Height** (*Section 13.05(e)*) to allow light pole height of 40 feet; 25 feet is allowed.

6. Old Business

A. **BZA-2014-008, Robert Page**

Location: 15920 Huron River Drive
DP# 82-80-121-99-0009-000

Request: A variance to *Section 3.05(a)(1)* of the City of Romulus Zoning Ordinance to allow a privacy fence that is eight (8) feet in height. The Ordinance allows for a total height of six (6) feet therefore a variance of two (2) feet is required. A variance to *Section 3.05(b)(2)* is also requested to allow an unfinished fence to face an adjacent property. Tabled February 4, 2015 for 30 days.

7. Communications
 - A. City Planner's Status Report
 8. Discussion
 9. Adjournment
4. Motion by Zilka supported by Long to approve the minutes of the regular meeting of the Board of Zoning Appeals held on February 4, 2015. Roll Call Vote: Ayes – Zilka, Long, Morris, Mientkiewicz & Chandler. Nays – None. Motion Carried.
 5. Petitions

A. **BZA-2015-002, Outlets of Michigan**

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Request: Variances as follows:

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4. **Lighting Levels** (*Section 13.05(b)*) to allow the footcandle level to be reduced from the required 3 foot-candles to 1-foot candle.
5. **Light Pole Height** (*Section 13.05(e)*) to allow light pole height of 40 feet; 25 feet is allowed.

Kelvin Antill, Salem La Hood and Norman Hyman came forward as petitioners and gave a presentation regarding the proposed Outlets of Michigan.

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

Chairman Chandler asked if anyone wished to speak on this matter. No one stepped forward; Chairman Chandler closed the public comments portion of the meeting and opened it up to comments from the Board members.

- Mr. Zilka stated that he appreciates how Paragon has worked with the city and Tim Keyes, the FAA and other local organizations. He said that he appreciates what has been done and presented to them; he doesn't currently have any problems with any of the information he has viewed; and he only wished they would be able to start production the following day. He noted that is how interested he is in the project.

- Mr. Chandler said he would like to welcome them to Romulus, and that he is sure his wife will be excited to start shopping at the location. He commented that looking at the plans and the various requests, he doesn't see a problem with the request. All industry standards appear to be met by the development.
- Mr. Long asked if there is a required number of handicap parking spaces for the number of parking spaces that are being requested.
- Mr. La Hood replied that the Civil Engineer has illustrated the information on the plans. The required amount is thirty (30) spaces and they will be providing thirty six (36) spaces.
- Mr. Long questioned if the variances, once approved, would have any impact on the leasing agreements with the tenants. Does the amount of space have any effect over the agreements.
- Mr. La Hood responded that they meet an industry standard with regard to gross leasable area (GLA) including storage space which is worked into the agreements.

Motion by Zilka, supported by Morris to approve five (5) variance requests for BZA-2015-002, Outlets of Michigan, at Vining/Wick/I-94 as presented in the City Planner's review letter dated February 25, 2015. Variances approved are listed as follows:

1. **Impervious Surface Coverage** (*Section 7.04(a)*) to allow total impervious lot coverage to exceed 75%.
2. **Parking Space Requirements** (*Section 14.01(f)(6)*) to allow the amount of parking to exceed that allowed by greater than 10%.
3. **Parking Space Dimensions** (*Section 14.02(b)(4)*) to allow the dimensions of the parking spaces to be reduced from 10 feet by 20 feet to 9 feet by 18 feet.
4. **Lighting Levels** (*Section 13.05(b)*) to allow the footcandle level to be reduced from the required 3 foot-candles to 1-foot candle.
5. **Light Pole Height** (*Section 13.05(e)*) to allow light pole height of 40 feet; 25 feet is allowed.

Roll Call Vote: Ayes- Zilka, Morris, Long, Mientkiewicz & Chandler. Nays – none. Motion Carried.

6. Old Business

- A. BZA-2014-008; Robert Page, requesting a variance to *Section 3.05(a)(1)* of the City of Romulus Zoning Ordinance to allow a privacy fence that is eight (8) feet in height. The Ordinance allows for a total height of six (6) feet therefore a variance of two (2) feet is required. A variance to *Section 3.05(b)(2)* is also requested to allow an unfinished fence to face an adjacent property. Tabled February 4, 2015.

Motion by Mr. Zilka, supported by Mr. Long to remove from the table the petition for BZA-2014-008; Robert Page, 15920 Huron River Drive, requesting a variance to *Section 3.05(a)(1)* of the City of Romulus Zoning Ordinance to allow a privacy fence that is eight (8) feet in height. The Ordinance allows for a total height of six (6) feet therefore a variance of two (2) feet is required. A variance to *Section 3.05(b)(2)* is also requested to allow an unfinished fence to face an adjacent property. The item was tabled February 4, 2015.

Roll Call Vote: Ayes-Zilka, Long, Mientkiewicz, Morris & Chandler. Nays – none. Motion Carried.

Mr. Robert Page, 15920 S. Huron River Dr. came forward as the petitioner.

- Mr. Chandler addressed Mr. Page and noted that when he left last meeting he was asked to return with a fence plan and information on a survey. He asked what he would be providing to the board this evening.
- Mr. Page replied that he had met his attorney in the morning and was handed information to present to the board.
- Mr. Chandler asked if the document he produced was a survey to determine the location of the new fence being installed.
- Ms. Maise reviewed the documents provided and determined that the information was a parcel description and a copy of information about the company who may be completing the survey, not the actual survey itself.
- Mr. Page said that the attorney is still going over the things that were supposed to be done to the house before its purchase. The survey should have been done before they moved in. He re-stated he received the papers from his attorney today.
- Mr. Chandler responded that regardless of how this would be resolved tonight, Mr. Page would have to get the survey done anyway to put the fence up.
- Mr. Page agreed and said that he had to get the paper work from his attorney today and he had just handed him the documents this morning and they are going through them piece by piece.
- Ms. Maise stated that the document provided was simply the name and information of the survey company; she did not see any information from the actual attorney and questioned Mr. Page if there may have been information in the document she had missed.
- Mr. Chandler clarified that the reason Mr. Page had addressed the board was due to an eight (8) foot variance request for security purposes.
- Mr. Page stated no, he did not come here; his neighbor complained about the fence and there were other issues brought to light that weren't known about the property until purchase and they are being reviewed by his attorney. He stated he is going through paperwork and it takes time and he is paying for everything out of his pocket. He stated it is going to get done. The survey company explained it would take four (4) to five (5) weeks for them to be able to survey exact measurements on the property and determine where the fence is in regards to the property line. Home Depot will replace the fence, but it still takes time and money but it is going to get done.
- Mr. Chandler responded that his original request is written that he is requesting a privacy fence up to eight (8) feet high and another item, the unfinished side of the fence to face the adjacent property; a total of two (2) variances are requested.
- Ms. Maise stated that those items pertain to the existing fence. She reminded the Board that there were complaints from the neighbor and the building department investigated and noted that the violation was the two (2) foot section that had been added on to the existing fence.
- Mr. Chandler clarified that the two (2) foot section would be coming down anyway.
- Ms. Maise stated that is what he asking for, a variance to keep that extension. The Board however is working with applicant and she noted that they directed him to go back and get things cleaned up and possibly request the eight (8) foot height in another location. They need to come up with another plan and that is what he is trying to explain, that he doesn't have the information at this time. He still has to get a survey and will be working with Home Depot on the fence plans. It sounds like he may need more time.
- Mr. Chandler said that Mr. Long made the suggestion that the eight (8) foot fence be closer to the building where the product is being grown and it wouldn't have anything to do with the existing fence.
- Ms. Maise noted that if a new fence plan came it's likely that the variance for the unfinished side of the fence would go away. That request pertains to the existing extension that was added to the existing fence.

- Mr. Chandler asked if Mr. Page had looked into anything as far as a plan for a better fence area around the grow area instead of the whole property line.
- Mr. Page replied that he is currently doing what his attorney told him to do, that being getting the survey done. He has to worry about the fence later because they still are unaware of what is going on with the rest of the house and the property.
- Mr. Chandler asked Ms. Maise if he were to put up a new fence six (6) foot on the existing property line, what type of permit would he need to have.
- Ms. Maise responded that a building permit from the Building Department and that is what did not happen the first time, he took an existing fence and just added to it.
- Mr. Page stated, yes, the fence was already there.
- Mr. Zilka asked if he understands it right, Mr. Page is going through an attorney about the property.
- Mr. Page answered right
- Mr. Zilka further asked, that he has no idea what will happen with the property
- Mr. Page responded right
- Mr. Zilka asked so should this item be tabled until they find out what happens with the property. Because if something happens that he doesn't get the property, or he walks away from it what we're doing here will be for nothing.
- Ms. Maise commented that he owns the property and what he is trying to get cleaned up is getting a survey and things done that weren't done when he moved in. The ownership is not in question.
- Mr. Zilka stated that he misunderstood. He was not sure that he owned the property.
- Ms. Maise thought that he purchased the property without a survey and because of the location of the fence, they are trying to figure out where the fence is and that was one of the recommendations that came out when they initially reviewed it with the city's attorney. An accurate survey is needed to start with to determine where the fence is.
- Mr. Morris asked, in order to refresh his memory, wasn't the fence on the wrong line.
- Ms. Maise stated we do not necessarily have that confirmed.
- Mr. Morris replied, but as far as we know we think the fence is not on the property line.
- Ms. Maise mentioned that the neighbor who is here tonight had a survey done that shows that it is not on the property line, but the direction of the board was for Mr. Page to get a new survey and come up with a plan for the fence with a new layout for a new fence.
- Mr. Morris thought that was a great idea and stated that what he is asking for is a variance of two (2) feet.
- Ms. Maise stated his variance request was to keep the extension that was added to existing fence.
- Mr. Morris asked if he would be able to keep the existing fence if it is on the wrong property line.
- Ms. Maise noted that the board could decide this now and make a motion to keep the fence as it is and allow the current eight (8) foot high to continue; that is one option.
- Mr. Morris clarified, when Mr. Page is done here, will he have to have the fence in the correct location.
- Ms. Maise replied that is likely a private matter between the two property owners with regard to where the fence is located.
- Mr. Morris stated from what he remembers having an eight (8) foot fence may be better for the property and the plants and suggested that they may want to grant the two (2) foot variance.
- Mr. Chandler asked if he had to move the existing fence.
- Mr. Page responded that is what they are unsure of.
- Ms. Maise stated a survey would be a condition of approval.
- Mr. Page said that it would be about adding two (2) feet to the fence.

- Mr. Chandler asked if the survey comes back showing the fence needs to be moved, is Mr. Page going to move that fence two (2) feet.
- Mr. Page responded, no it was two feet higher than what it was.
- Mr. Chandler rephrased and said off of the property line.
- Mr. Page replied yes.
- Mr. Chandler questioned further if the fence was to move the two (2) feet over the property line back to the property line.
- Mr. Page said yes.
- Mr. Chandler clarified that this refers to the existing fence.
- Mr. Page replied yes, he assumes he would have to if it is not on his property.
- Mr. Chandler said that he would forget about new fence then.
- Mr. Page replied no, he still needs a new fence.
- Mr. Chandler asked if he will be tearing down the old fence and putting up a new fence.
- Mr. Page replied, right.
- Ms. Maise reported that what had been directed at the meeting before last was for the applicant to come back with a new plan that included an eight (8) foot fence to provide security for his use, possibly in a new location as Mr. Long had suggested; it doesn't necessarily have to be an eight (8) foot fence around the entire perimeter but perhaps a little closer in. She understood that is what Mr. Page has been working on.
- Mr. Chandler asked what if he were to put an eight (8) foot fence around the entire perimeter of the property line.
- Mr. Page replied that is what he is currently trying to work on after the survey is finished and the lawyers find out what was really going on with the property.
- Mr. Chandler asked wouldn't it be a lot cheaper to just go with a six (6) foot fence around the existing property line. This would be a lot cheaper than the eight (8) foot is going to cost. If he went with a six (6) foot high fence and improved the security up closer to the buildings with an eight (8) footer, that could come later with another request. In other words if the request for the extra two (2) feet is denied, Mr. Page could still put up a six (6) foot fence. He personally does not think an eight (8) foot fence is the answer to the security problems. If they are going to kick through a six (6) foot fence, they will kick through an eight (8) foot fence. Mr. Chandler said his personal opinion is to stick with the six (6) foot fence and come up with better security.
- Mr. Page said that he will already have cameras and things already added to it. He can move it over and still have the eight (8) foot fence surrounding because you can jump over the six (6) foot fence easily.
- Ms. Maise understood that the issue is with the existing stockade fence with pallets or something tied or attached to it and the board was directing Mr. Page not to use that fence, to come up with plans for a new fence.
- Mr. Chandler included that they understood that if they agreed to the eight (8) foot, it would be eight foot around the entire property.
- Mr. Page stated no, it would be on the side.
- Ms. Maise said that the variance request is for the addition to the existing fence.
- Mr. Chandler responded that he thought there was a security problem, and asked if they can't get in through the back.
- Ms. Maise replied the fence that is up is eight (8) feet; it is an existing six (6) foot high stockade fence with a two (2) foot extension on top. That is what the initial request on the application was.
- Mr. Chandler said he was over at the property and it didn't look to him that the extra two (2) feet extended the whole length of the fence.
- Mr. Page responded no.

- Ms. Maise also responded no, so he's asking for the variance on the part containing the extra two (2) feet.
- Mr. Morris confirmed it was just that part.
- Mr. Chandler explained that he is trying to visualize where the security problem is. If you have a section that is eight (8) foot and the rest is six (6) foot, where is the security issue.
- Ms. Maise replied that the whole reason for the eight (8) foot height was for protection as Mr. Page needed it a little taller to block the view. The board gave him some pretty good direction that the existing fence wasn't cutting it, and the board came up with the idea that he is going to have to put up a new fence anyways. It didn't sound like the board was going to approve the fence as it is, which is what he was petitioning for, to keep the existing eight (8) foot high portion of the fence. He's allowed to keep the six (6) foot high fence so that if he had to go with the new eight (8) foot fence anyways, consistent with the board's recommendation, he needs to come up with a new plan and perhaps it didn't need to be as extensive, not as much of the eight foot height for the security needed. Perhaps the taller height could be closer to where the operation is.
- Mr. Long stated that was what he was eluding to himself. He agrees with Ms. Maise regarding the subject of the variance and stated that if the property line is verified the board can vote whether or not to allow the eight (8) foot variance. It was tabled at the last meeting in order for Mr. Page to present a survey; the survey has not been presented. He explained to Mr. Page that this would be the second extension that is being requested now. A plan for the fence should have been presented at this meeting.
- Mr. Chandler supported Mr. Long's views by stating that is what was requested by Mr. Long last meeting.
- Mr. Long agreed yes.
- Ms. Maise reminded the board that they have tabled this item twice.
- Mr. Chandler said that was so they could look at a plan with an outline of where the fence is proposed to be.
- Mr. Long said no matter what the plan for the fence is, it is understood that there could be legal ramifications of what is going on, but the board's request was for him to come back with a fence plan so that they can approve that portion.
- Mr. Page replied that he is going to take the old fence down and put a new eight (8) foot fence up right where he needs it and then he was going to extend it from where the eight (8) foot fence was and still leave a regular six foot fence for the rest of the length of the fence.
- Mr. Long responded that is what was requested at the last meeting.
- Mr. Page explained that is what he turned over to his attorney. He told him he needs to get the survey done first because he is still trying to gain occupancy and go through all the things which should have initially been done to the property.
- Mr. Long acknowledged that he understands that as a board member, but the part he doesn't understand is the fence plan that should have been presented tonight. They can't keep tabling the issue meeting after meeting since that's not making any progress.
- Mr. Page stated that he understands that but he has to get an ok from his attorney to pay for this, the survey and things should have been done before he purchased the property.
- Mr. Long responded that he understands, but as a board member he was expecting to have a plan to review which would be the layout.
- Mr. Page said that he met with Home Depot who are going to put the fence up once they have a copy of the survey. Home Depot will replace the old fence with an eight (8) foot fence where he needed it in that area.
- Mr. Long stated yes, and they shouldn't need a survey.

- Mr. Page added that they do need the survey because he didn't know how close to or whether that fence was close to the property line. He was told he may have to move it back two (2) feet or a foot or whatever away from the property line that exists right now.
- Mr. Long requested of the Chairman if the board decides to give another extension to the variance request, because it seems as though no progress was made since the last request, that he present some type of plan.
- Mr. Chandler stated in all fairness, in his error he did not allow Mr. Page's neighbor to voice his opinion last meeting. He would like to question him this meeting to be fair since he is the next door neighbor and their decision affects him. He requested that Mr. Bies step forward.

Mr. Jason Bies of 15880 S. Huron River Dr. stepped forward to speak regarding the matter.

- Mr. Chandler asked Mr. Bies in his estimation, how long is that section where the two (2) foot was added.
- Mr. Bies clarified the two (2) foot section.
- Mr. Chandler replied the top of that fence.
- Mr. Bies stated probably, roughly about eighty (80) feet, half way.
- Mr. Chandler confirmed eighty (80) feet.
- Mr. Bies explained that his surveyor stated that the fence is roughly one hundred sixty (160) feet long. He was in possession of certified copies of his survey if the board would like to see them.
- Mr. Chandler asked how long the property line was.
- Mr. Bies responded the property line from start to finish is roughly a quarter mile deep.
- Mr. Chandler asked so that eight (8) foot fence doesn't go the entire length anyway.
- Mr. Bies responded no. He feels that Mr. Page has had enough time to get surveys; when the city asked him for a survey, he produced it in a couple weeks. He said he's a single father, he pays child support and he was required to get a survey by the Romulus Police Department and the Planning Commission. He said this is enough, he's had enough of this and is tired of looking at this crappy fence and it's a health issue.
- Mr. Chandler asked, would you rather have an eight (8) foot fence protecting your property for a little more privacy to you or a six (6) foot high fence.
- Mr. Bies answered he's tired of looking at these plants too. Come the summer time he will have windows open and the smell of marijuana comes into his house. He has an eleven year old daughter and he's not about to explain to her what drugs are. He said he's tired of it. Regardless of whether it is a six (6) foot fence, a four (4) foot fence or ten (10) foot fence, he's still getting the smell in his house.
- Mr. Chandler noted that Mr. Page can put up a six (6) foot fence without a variance.
- Mr. Bies replied that's fine; six (6) foot is fine however as soon as he sees the plants growing over the six (6) foot fence, he's calling the cops, if it's in his line of sight. He knows his laws and he doesn't want to see it. He has a forty (40) by sixty (60), forty (40) by eighty (80) barn there and he should grow it in the barn. He's tired of seeing it; that's the only reason he is in seeking his variance for an eight (8) foot fence so that he doesn't see the plants from his property. He's had enough time to get a survey, enough time and these last thirty (30) days he was asked to produce a plan for a fence, and he's asking where it is.
- Mr. Page from the audience held up a hand drawn piece of paper saying that he brought it with him.
- Mr. Bies responded that he can go get an estimate for a fence too. He asked Mr. Page where your survey is and held up his survey responding this is a certified survey.

- Mr. Chandler called the meeting back to order and stated we don't have that layout that Mr. Long requested, that was never provided. There was to be a plan that would be around the building adjacent to the existing fence as we understood.
- Ms. Maise stated at this point he can do a conceptual plan but because he doesn't have a survey done, the exact location can't be determined.
- Mr. Chandler said that he didn't think he would have needed a survey to put the eight (8) foot fence around his building because that would not be involved with the property line.
- Ms. Maise responded that is correct if it was off the property line and he would be taking the whole thing down. That is one of the options. The options at this point are: the board could table it again; they could deny it and the 2-foot extension would have to be taken down and the issue of the fence location would be between the two property owners; or they could approve an 8-foot variance for a new fence as part of a new plan.
- Mr. Chandler stated thank you.
- Mr. Mientkiewicz said when he has gone by the property, the extra two (2) feet on top looks horrible, but questioned that there is a section of fence that is down.
- Mr. Bies responded yes.
- Ms. Maise added that the portion in disrepair would have to be repaired, but what would happen once there is a decision made on the variance. If it is granted, the Building Department and property maintenance codes would come into play. If it were denied, the top part would need to come down and the portion that is in disrepair would need to be repaired.
- Mr. Mientkiewicz asked Mr. Bies if his survey establishes the south property line.
- Mr. Bies responded yes.
- Mr. Mientkiewicz asked how far from his buildings is that.
- Mr. Bies asked if he meant the barn or the grow area.
- Mr. Mientkiewicz stated the barn.
- Mr. Bies responded it is about seventy five (75) yards or one hundred fifty (150) feet. His surveyor actually put where this fence comes onto his property on the drawings. He asked if the board would like to see that.
- Mr. Mientkiewicz asked if his fence actually comes onto Mr. Bies's property.
- Mr. Bies responded yes the existing fence does come onto his property.
- Mr. Mientkiewicz had clarified the existing fence.
- Mr. Long questioned whether that was by the drawing or by the survey.
- Mr. Bies answered it is by the survey.
- Mr. Long clarified that the existing fence right now is on Mr. Bies' property.
- Mr. Bies responded yes, and asked if he may approach and show his copy of the survey.
- Mr. Long and Mr. Zilka responded sure.

Mr. Bies presented his copy of a certified survey he obtained to the board.

- Mr. Long stated one hundred eighteen (118) feet is in disrepair.
- Ms. Maise presented the board with copies of photographs taken of the existing fence.
- Mr. Chandler asked Mr. Bies if that fence is on his property.
- Mr. Bies responded yes, technically two (2) feet by one hundred eighteen (118) feet.
- Mr. Chandler stated technically it belongs to him.
- Mr. Bies replied yes.
- Ms. Maise interjected that the board should be careful of determining who has rights to what. During meetings last fall the city attorney noted that there could be some adverse possession issues that may need to be resolved between the two neighbors.

- Mr. Chandler agreed with the statement.
- Ms. Maise noted that the issue at hand is this eight (8) foot high fence and in particular the additional two (2) foot extension on the existing fence.
- Mr. Chandler asked Mr. Page where he actually grows his crops.
- Mr. Page stated inside and outside the garage.
- Mr. Chandler clarified if it is also between the garage and the existing fence.
- Mr. Page responded yes.
- Mr. Chandler further asked is there a garden so to speak that's right up to the fence.
- Mr. Long asked Mr. Bies if this fence is on his property and deemed legal after the survey is presented on your property, would he have a problem with Mr. Page on his property, putting up the eight (8) foot fence.
- Mr. Bies responded he wouldn't have a problem with it because he's being wrongfully accused of breaking into Mr. Page's marijuana stash.

Motion by Mr. Long, supported by Mr. Morris to approve a variance for BZA-2014-008, Robert Page; 15920 Huron River Drive to grant an eight (8) foot height fence.

- Ms. Maise reminded the board that the Planning Department had a recommendation for them in the initial review of the variance request. She suggested the board may want to give Mr. Page a time frame as to when the survey needs to be done. In terms of the eight (8) foot high fence, they would want to make sure the fence complies with building department and zoning ordinance requirements. The medical marijuana operation must be in compliance with State and Local laws. The certificate of occupancy on the property needs to be issued. She suggested they add these conditions onto the motion versus just having a blanket motion unless they wanted to have it handled administratively and they don't want to see it again. Right now it's open ended unless they put a time frame on when this all will be done.
- Mr. Morris asked wouldn't it be handled by the City anyway.
- Ms. Maise replied right now with the motion that was made it could go on indefinitely.
- Mr. Mientkiewicz stated that he would be in favor of whatever the vote comes out on Mr. Long's motion, he would like to see everything else turned over to the City because the Building Department and everyone know specific rules and things.
- Ms. Maise noted that staff could certainly handle the logistics of it.
- Mr. Morris said all the ordinances and codes, whatever applies.
- Ms. Maise responded that it's the time period that's important and we appreciate that the board may not want to see it back but there should be a time period on it as to when Mr. Page has to do this and if he doesn't comply, then simply the variance is denied and the two (2) additional feet that were extended on there would come down.
- Mr. Chandler replied that not much can be done now due to the weather conditions.
- Ms. Maise agreed and suggested that the board give a reasonable time frame to get the survey and plans done, his fence permit pulled and his fence installed.
- Mr. Long said that he would like the motion based on the conditions with the City, to meet all ordinances that apply in the time frame of four (4) months. That would extend it until July 4th.
- Mr. Zilka asked Mr. Page if the length of time would be ok with him.
- Ms. Page stepped forward and responded that some of the estimates they have received have been \$3,500; there are some that have been from \$1,500 to \$1,800 to \$30,000. She said that four months may not be enough time as Mr. Page is on a fixed income and she works but still has a lot of obligations. There were a lot of repairs that they did not anticipate making. She restated she is not sure if that will be enough time. It's quite a lot of money; they thought an estimate would be \$400 or \$500. They were told it will be anywhere from \$1,300 - \$1,800. The first estimate was

\$3,500 so she told him to keep calling around, so the lowest estimate they received was \$1,800 over the phone. They never knew surveys would cost this much money.

- Ms. Maise reiterated that the board has given them until July 4th, four (4) months. If in four (4) months this doesn't happen, the extended portion of the fence has to come down. Variances are good for one (1) year so they were granted an eight (8) foot variance on a new fence that would be good for a year. If by July 4th there is no permit pulled and no new fence going up, the extended part comes down. If a plan is approved and a permit issued for a new 8-foot fence, he has the year from today March 4th, 2016 to have the new eight (8) foot fence complete, which we've approved administratively and is installed.
- Mr. Chandler asked if this were denied then he would have all the time that he needs.
- Ms. Maise responded that the extended part needs to come down soon.
- Mr. Chandler clarified so that has to come down anyway.
- Ms. Maise responded yes it has to come down.
- Mr. Chandler stated so if this was denied what happens.
- Ms. Maise responded if he did want to add an eight (8) foot fence in the future in his own time then he would come back and request a variance; that is another option.
- Mr. Chandler stated he thinks they may have some monetary problems so it may be better in their case to deny this.
- Ms. Maise agreed. The two (2) feet would come down and the portion in disrepair would get fixed, but the motion would need to be withdrawn.
- Mr. Long stated that he would like to keep his motion as it stands.
- Mr. Chandler confirmed the amendment to the motion to give them the four (4) months.
- Mr. Long responded yes.

Motion by Long, supported by Morris to approve a variance for BZA-2014-008; Robert Page, 15920 Huron River Drive, requesting a variance to *Section 3.05(a)(1)* of the City of Romulus Zoning Ordinance to allow a privacy fence that is eight (8) feet in height. The Ordinance allows for a total height of six (6) feet therefore a variance of two (2) feet is required. A variance to Section 3.05(b)(2) is also requested to allow an unfinished fence to face an adjacent property. Conditioned upon the following:

1. Completion within four (4) months, July 4th, 2015.
2. The fence must meet all requirements set forth by the Building Department and Zoning and Ordinance.

Roll Call Vote: Ayes-Long, Morris, Zilka & Chandler. Nays – Mientkiewicz. Motion Carried

- Mr. Chandler stated that his request had been approved and that he has until July 4th, 2015.

7. Communications

- Ms. Maise stated there is a lot of development going on. There will be a meeting next month as there are two cases that have come in. One is for a building addition on Northline and the other one for a fence for Sunoco for a height increase at their facility. They received approval from the Planning Commission to add barbed wire but they are requesting a height of nine (9) feet instead of eight (8) feet. The meeting is April 1, 2015.

8. Discussion

Chairmen Chandler opened the meeting to discussion.

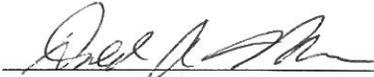
- Mr. Mientkiewicz commented that the fence thing, he has seen the fence and cannot agree with what is going on. What he's been doing, or what's going on, how long it's been stretched out.
- Mr. Morris stated it has to come down.
- Mr. Chandler interjects that he has until July 4, 2015 to get this done.
- Mr. Mientkiewicz stated the applicant was supposed to come back with at least a survey and stuff. He stated it just bothers him.
- Mr. Chandler stated he wishes him luck, he hopes he gets this thing straightened around.
- Mr. Zilka commented on what Mr. Mientkiewicz had said, it is in the attorney's hands and it is well known how they operate, it is sad but that is the way it goes, really he should have had something by now but he feels sorry for his neighbor who has to put up with this. It is in the attorney's hands and could take longer.
- Mr. Chandler questioned that it is zoned residential in that area.
- Ms. Maise agreed.
- Mr. Chandler responded so basically not good. He stated he doesn't know why they allow something like that in the residential areas.
- Ms. Maise replied that is the state law and we are doing our best with our local ordinance.
- Mr. Chandler stated it's a sign of the times and Colorado is learning the hard way with their issues.

Chairman Chandler asked for any further questions or comments no one replied thus closing the comments portion of the meeting.

9. Adjournment

Motion by Long supported by Mientkiewicz to adjourn at 8:16 p.m. Roll Call Vote: Ayes – Long, Mientkiewicz, Zilka, Morris & Chandler. Nays – None. Motion Carried.

bm



Donald Morris, Secretary
Zoning Board of Appeals