

**MINUTES OF THE CITY OF ROMULUS REGULAR MEETING OF THE
BOARD OF ZONING APPEALS HELD ON THURSDAY, JANUARY 2, 2014.**

1. The meeting was called to order by Chairman Chandler at 7:00 p.m.
2. Roll Call Showing: Emery Long, Kenneth Mientkiewicz, Donald Morris, Melvin Zilka & Sheldon Chandler
Also in attendance: Carol Maise, City Planner, Robert McCraight, Director Public Services & Linda McNeil, Sr. Secretary
3. Motion by Zilka supported by Mientkiewicz to approve the agenda as presented. Roll Call Vote: Zilka, Mientkiewicz, Long, Morris & 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 December 4, 2013.
 5. Petitions
 - A. BZA-2013-010; Cynthia Kind, 27650 Pennsylvania, requesting a variance to *Section 3.04(a)(3)b* of the City of Romulus Zoning Ordinance to allow the continuance of a thirty-two (32) foot high accessory building (tree house). DP# 82-80-144-99-0005-701.
 6. Old Business
 7. New Business
 8. Communications
 - A. City Planner's Status Report
 9. Discussion
 10. Adjournment
4. Motion by Morris supported by Long to approve the minutes of the regular meeting of the Board of Zoning Appeals held on December 4, 2013. Roll Call Vote: Ayes – Morris, Long, Mientkiewicz, Zilka & Chandler. Nays – None. Motion Carried.
 5. Petitions

- A. BZA-2013-010; Cynthia Kind, 27650 Pennsylvania, requesting a variance to *Section 3.04(a)(3)b* of the City of Romulus Zoning Ordinance to allow the continuance of a thirty-two (32) foot high accessory building (tree house). DP# 82-80-144-99-0005-701.

Ms. Cynthia Kind, Petitioner, and Ray Parker, Hennessey Engineers came forward representing the petitioner.

- Ms. Kind stated that they have pictures and a site plan for the treehouse and yielded the floor to Mr. Parker.
- Mr. Parker noted that the petitioner is requesting a height variance for the existing treehouse that was constructed without a permit. Once the petitioner was notified that the treehouse would have to be built to code, all construction ceased. The structure is very sound and is twenty-five (25) feet by twenty-five (25) feet in diameter including the walkway around the entire structure. The main structure is sixteen (16) feet by sixteen (16) feet with a second and third story which includes a cupola. The treehouse is located at the far rear of the property which is a total of eight (8) acres and it is screened by the woods and not visible from the roadway. Mr. Parker stated that in his opinion is not a nuisance to anyone since it blends in with the natural setting. The poles that were used for construction are DTE poles that are two (2) feet in diameter and there are two (2)-foot by twelve (12)-foot floor joist which makes this a very sound structure. Mr. Parker finished by saying that they are simply requesting a variance to allow the treehouse to remain at the height in which it was constructed.

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

- Ms. Tina Kind, 27570 Pennsylvania, came forward and stated that this was originally a twenty (20) acre family owned parcel. The tree fort was constructed for the kids to play and hangout in and it is not a problem for anyone. With all the other things going on at the farm there are other things that need to be taken care of with the exception of the tree fort. The tree fort is a very nice structure and it is a wonderful thing for the kids to play in. She has no problem with the tree fort and in fact has hung out in it herself in the summertime.
- Mr. Chandler read into the record a correspondence from Tammy North, 27791 Pennsylvania Road, which stated that she has no problem with Ms. Kind building the treehouse.

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

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 visited the treehouse this past Monday courtesy of Ms. Kind and he stated that it is a beautiful, well built, solid treehouse that he does not have a problem with. He thinks they did a wonderful job on the construction including numerous sixteen (16) inch poles that hold the structure up. He noted that the applicant should have obtained a permit before the start of construction but that is hindsight now and he asked Mr. McCraight whether he has a problem with the treehouse.
- Mr. McCraight answered no and stated that additional information will need to be provided to the Building Department should the variance be granted with regards to the structural integrity of the treehouse itself. There is no section in the code book that references the type of beams or poles that were utilized for the construction. That is where they will need Hennessey Engineers to come in as the structural engineer and sign off that the treehouse is structurally sound. He finished by

saying that additional detail will be required in order to submit to the Building Department for the issuance of a permit should the variance be granted.

- Mr. Chandler questioned Ms. Kind as to what type of flooding/drainage problems required her to build the tree house to its current height.
- Ms. Kind answered that she wanted to have the tree house high enough to be able to look over the entire property along with the fact that it is a “tree” house.
- Mr. Chandler asked what happened that brought this all to light that a variance was required.
- Ms. Kind replied that it was due to the fact that she did not pull a permit for the construction of the tree house.
- Mr. Chandler stated that he knew that but questioned whether there was a complaint.
- Mr. McCraight answered that his office received a complaint from a contractor that the tree house had been constructed without a permit. He then went to the site and took a look at the tree house and also met with Ms. Kind to determine whether it was a shed or a tree fort. Once it was determined that it was a tree house then he had to take a look at the size and height. The height required a variance which is why the petitioner is here tonight.
- Mr. Chandler questioned whether Ms. Kind had reviewed the conditions of approval as stated in the Planner’s Report.
- Ms. Kind stated that she has received a copy of the Planner’s Report.
- Ms. Maise noted that these are all items that Mr. McCraight can handle during the building review if indeed the variance is granted.
- Mr. Morris verified that the variance request is to allow an accessory building height of thirty-two (32) feet.
- Ms. Maise answered correct and stated that the ordinance allows for a height of seventeen (17) feet for an accessory building and this tree house was constructed beyond that. The practical difficulty may be drainage issues as stated on the application and also as stated this evening were safety concerns with regards to the kids being able to see to the residential home.
- Mr. Mientkiewicz questioned Ms. Kind as to why she did not secure a building permit prior to construction.
- Ms. Kind responded that she and her deceased husband always promised the kids that they would build them a tree fort. Due to the fact that they were in the construction business she bought a lumber package and utilized some friends to construct the tree fort. She initially did not intend for the tree fort to be this big but in the process of building they got a little carried away and did not know what to do at that point.
- Mr. Mientkiewicz stated that although it is referred to as a tree fort he questioned whether it is actually built into/on the tree. It is his opinion that a tree house would actually be built on or in the tree.
- Ms. Kind answered that is why the tree house is elevated due to the fact that she could not find a desirable tree to build the tree house in. She thought that if she got some utility poles and elevated it that it would look like it was built into the tree. She finished by answering that “no” it is not built in the tree.
- Mr. Mientkiewicz commented that if the base poles would have been shorter she would have been closer to the required height. He is having an issue with the fact that it was built on these poles along with the overall height.
- Mr. Zilka questioned whether Ms. Kind has read the four (4) stipulations and is in agreement with them.
- Ms. Kind answered that yes she has read them and is in agreement with them.
- Mr. Zilka asked whether she will get in contact with Mr. McCraight in the Building Department to get these issues taken care of.
- Ms. Kind answered correct.

- Mr. Zilka stated that the Zoning Board of Appeals is only here to deal with the issue of the height variance and he questioned whether there were any additional questions from Board members and if not he would like to make a motion.

Motion by Zilka supported by Morris to approve the variance for BZA-2013-010 for Cynthia Kind located at 27650 Pennsylvania subject to the following:

1. A statement from a licensed or registered design professional or other supporting documentation verifying the drainage issues claimed by the applicant must be submitted to the Building Department.
 2. Signed and sealed construction documents from a licensed design professional must be submitted to the Building Department to verify that the tree house is structurally sound.
 3. A building permit from the Building Department is required.
 4. The tree house is not to be used as living quarters or for any home occupation.
- Mr. Mientkiewicz questioned whether the Board could add a stipulation that no additional building or interior changes could be made to the structure including the installation of running water.
 - Ms. Maise answered absolutely and stated that any conditions can be added that the Board deems warranted such as no plumbing which would be more specific than “not to be used as living quarters” as stated in the Planner’s Report.
 - Mr. Chandler questioned whether there is currently electricity running to the tree house.
 - Ms. Kind answered no that there is not.
 - Mr. Chandler asked Ms. Kind as to whether she plans on running electrical to the tree house.
 - Ms. Kind replied that she never really thought about it until this point.
 - Mr. McCraight noted that there was electrical running to the tree house at the time of the inspection but the service/power has since been removed. He finished by saying that there is electrical wiring running inside the tree house itself and if left it will have to be brought up to the standards of the code.
 - Mr. Chandler questioned whether there was underground wiring running to the tree house.
 - Mr. McCraight answered that it appeared that there was prior to the inspection however it has since been removed and at the time of the inspection there was no violation.
 - Mr. Zilka stated that he would like to keep his motion as stated. Should the applicant install electrical he is sure that Mr. McCraight will follow up and catch it.
 - Mr. McCraight responded that he will do the best he can but that the tree house is located quite a ways off the road and is not easy to see and he would not have known that it was constructed had they not received the complaint from the contractor.
 - Mr. Mientkiewicz noted that that is his reasoning for the additional condition and he questioned how Mr. McCraight is going to know if additional work is done.
 - Ms. Kind stated that she has definitely learned her lesson and will meet with Mr. McCraight to discuss any further renovations should the Board grant the variance without any further conditions as she would like to have the option to install utilities.
 - Mr. Morris commented that he cannot imagine having a problem with electrical being installed as long as it is installed up to code.
 - Mr. Chandler noted it would be very expensive to run a proper electrical line all the way out to the tree house. He questioned how far it is from the residential home to the tree house.
 - Ms. Maise answered that it is two hundred and fifty eight (258) feet.
 - Mr. Chandler stated that that would be a long way to run a water line unless the petitioner puts a well in.

- Mr. Zilka stated that he would like to leave the motion as stated with the four original conditions.

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

6. Old Business – None.

7. New Business – None.

8. Communications

- Ms. Maise noted that she is more than happy to answer any questions with regards to her report. There are quite a few little projects going on right now that only require administrative review but that Mr. McCraight is here this evening to answer any questions the Board members may have. She finished by saying that City Council is holding a Public Hearing on Monday for the Special Tree PDA.
- Mr. Morris questioned the status of the McLane Foodservice project on Wahrman Road.
- Ms. Maise answered that they came before the Planning Commission for their extension and stated that they are focusing on other facilities at this time. She asked whether Mr. McCraight has heard from them regarding their status.
- Mr. McCraight replied that during his flood plain project he was in touch with McLane's engineer and he had stated that he has been contacted by McLane to prepare plans for submittal. He is still cautiously optimistic and that he would love to see the project move forward.
- Mr. Zilka stated that the last time McLane came before the Planning Commission they indicated they still intend to develop here as it is just a matter of when due to the fact that they were finishing up with an Ohio project.
- Ms. Maise noted that they were here in the fall and it sounded then like it was just a timing issue.
- Ms. Maise advised the Board that there would not be a February Board of Zoning Appeals meeting.

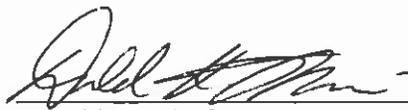
9. Discussion

- Mr. Zilka wished everyone a Happy New Year.

10. Adjournment

Motion by Zilka supported by Long to adjourn at 7:23 p.m. Roll Call Vote: Ayes – Zilka, Long, Morris, Mientkiewicz & Chandler. Nays – None. Motion Carried.

lm



Donald Morris, Secretary
Zoning Board of Appeals