

**MINUTES OF THE CITY OF ROMULUS REGULAR MEETING OF THE  
BOARD OF ZONING APPEALS HELD ON THURSDAY, MAY 7, 2014.**

1. The meeting was called to order by Chairman Chandler at 7:00 p.m.
2. Roll Call Showing: Julie Allison, Emery Long, Donald Morris, Melvin Zilka & Sheldon Chandler  
Excused: Kenneth Mientkiewicz  
Also in attendance: Carol Maise, City Planner & Linda McNeil, Sr. Secretary
3. Motion by Zilka supported by Allison to approve the agenda as presented. Roll Call Vote: Zilka, Allison, 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 January 2, 2014.
5. Petitions
  - A. BZA-2014-001; Dan's Excavating, 10600 Vining, requesting a temporary use variance to allow the continued storage of crushed concrete. The subject property is located at 10600 Vining. DP# 82-80-064-99-0002-700.
  - B. BZA-2014-002; Marioara Bejenariu, 15665 Middlebelt, requesting a variance to Section 3.05(a)(2) of the City of Romulus Zoning Ordinance to allow a fence in the front yard. The subject property is located at 15665 Middlebelt. DP# 82-80-142-99-0017-000.
  - C. BZA-2014-003; Wayne County Department of Public Services on behalf of Jalal Jameel, 7099 Wayne, requesting a variance to Section 7.04(b)(6) to allow parking lot setbacks on Wayne and Ecorse Roads of less than 15 feet. The existing parking setback on Wayne Road is 14.11 feet and 14.25 feet on Ecorse Road. The subject property is located at 7099 Wayne. DP# 82-80-020-99-0063-700.
  - D. BZA-2014-004; Grand Rapids Metrology, 28500 Eureka, requesting variances to Section 8.04(a) for lot coverage and encroachment into the required front yard setback.
    1. Total impervious lot coverage of 88% is requested where up to 75% coverage is allowed.
    2. In accordance with Sections 20.07(a) and Section 8.04(a) to allow the expansion of a non-conforming building into the required front yard. A thirty (30) foot front setback is required while a twenty (20) foot front setback is proposed; therefore a ten (10) foot variance is required.

6. Old Business
  7. New Business
  8. Communications
    - A. City Planner's Status Report
  9. Discussion
  10. Adjournment
4. Motion by Long supported by Morris to approve the minutes of the regular meeting of the Board of Zoning Appeals held on January 2, 2014. Roll Call Vote: Ayes – Long, Morris, Zilka & Chandler. Nays – None. Abstain – Allison. Motion Carried.
5. Petitions
- A. BZA-2014-001; Dan's Excavating, 10600 Vining, requesting a temporary use variance to allow the continued storage of crushed concrete. The subject property is located at 10600 Vining. DP# 82-80-064-99-0002-700.

Justin Peyerck, Dan's Excavating came forward as the petitioner.

- Mr. Peyerck stated that the request is for the continued storage of the stockpile of crushed concrete that they are currently in the process of trucking off. Dan's Excavating expects to have the site cleared and fully restored to its natural state by August per their agreement with the Wayne County Airport Authority. The request is for an extension of the temporary use variance to allow for the continued storage while the remainder of the crushed concrete is hauled off.

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 came forward.

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

- Mr. Chandler stated that it would be a six (6) month extension and asked the applicant if that would be sufficient.
- Mr. Peyerck answered yes.

Motion by Zilka supported by Allison to approve the temporary use for BZA-2014-001 for Dan's Excavating to allow for the continuance of the stockpile storage located at 10600 Vining Road with the following conditions:

1. The temporary use permit is valid for a 6-month period to allow the continuation of the stockpile storage. The permit will expire on November 7, 2014.

The subject property is located at 10600 Vining. DP# 82-80-064-99-0002-700. Roll Call Vote: Ayes – Zilka, Allison, Long, Morris & Chandler. Nays – None. Motion Carried.

- B. BZA-2014-002; Marioara Bejenariu, 15665 Middlebelt, requesting a variance to Section 3.05(a)(2) of the City of Romulus Zoning Ordinance to allow a fence in the front yard. The subject property is located at 15665 Middlebelt. DP# 82-80-142-99-0017-000.

Lydia Cacau and Tim Dan came forward representing the petitioner.

- Ms. Cacau stated she is the sister of Maria Bejenariu and she is requesting the variance to allow the fence in the front yard due to the fact that the house is located on a main highway where the speed limit is forty five (45) miles per hour and people do not obey the speed limit. The petitioner has seven (7) kids that she is really worried about and she has been working with Carol the City Planner on the installation of a vinyl picket fence along with landscaping. The back yard is really soggy, so soggy that the fifty fruit trees they planted did not take so the petitioner does not think it is suitable for the kids to be able to play back there. The rear yard will be fenced-in with a six (6) foot high privacy fence along with the side yard and starting at the front corners of the house. They would like to have a vinyl picket fence that will be five and one half (5 ½) feet tall.
- Mr. Chandler read into the record a correspondence from Daniel and Olga Bonas and Rosie Jezuit, 15701 Middlebelt Road, in support of Ms. Bejenariu's request for the fence variance.

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 came forward.

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

- Mr. Zilka questioned what the barns on the property would be utilized for.
- Mr. Dan answered that he is not sure the one really large barn can be utilized and the other barn will used as a garage and for the storage of the tractor and all other equipment that is used to maintain the premises.
- Mr. Zilka asked whether the proposed fence could be moved to the front of the house.
- Mr. Dan replied that if that is the city's request than it could be moved to the front of the house. The petitioner was simply looking at the cost but if the city would like it moved closer to the road than that could definitely be moved if need be.
- Ms. Maise requested clarification from Mr. Dam as to whether the petitioner is willing to move the front fence back to the front building line of the house.
- Mr. Dan questioned whether Ms. Maise was referring to back as being back towards the road.
- Ms. Maise answered back towards the house. She stated that she believes that what Mr. Zilka was asking was if the petitioner was willing to move the fence back towards the house so that the fence was in line with front of the residence.
- Mr. Long stated that Mr. Dan misunderstood the question.
- Mr. Chandler added that he believes that Mr. Zilka was questioning whether the petitioner is willing to move the fence to be in aligned with the front of the house.
- Mr. Dan responded that he did not know as he had not talked to the petitioner about that option.
- Ms. Maise commented that the petitioner would not need a variance to do that and she is here this evening requesting a variance because the fence is encroaching twenty four (24) feet into the front yard of the house.

- Mr. Long questioned whether the picture of the white vinyl fence provided in the board's packet is what the petitioner is proposing across the front yard.
- Ms. Cacau answered yes.
- Mr. Long stated that he can see that the plot plan shows the gates for the driveway but questioned whether there will be a gate for the residence.
- Ms. Cacau replied yes, whatever they have at Home Depot.
- Mr. Long questioned whether the petitioner has thought about lowering the height of the front yard fencing to four (4) feet.
- Ms. Cacau responded that she talked to the petitioner about that and her concern is that anybody can come and snatch a child from over the top of a four (4) foot fence. The proposed picket fence matches the fencing purchased at an auction that she will be utilizing for the rear yard. She felt that it will look strange having the six (6) foot fence abutting up to the four (4) foot fence along with the fact that the five and one half (5 ½) foot fence would be more protective for the children.
- Mr. Long noted that the variance request is for the location of the fence in the front yard not the height. He is willing to make the motion to approve the variance if the petitioner is willing to lower the height of the proposed picket fencing.
- Ms. Cacau stated that the petitioner really wants the five and one half (5 ½) foot fencing but understands if the board is not willing to support that and has a really good reason why not. The petitioner does have another fence that she looked into that is four and one half (4 ½) feet that would match the rear yard fencing if the board is not willing to allow the proposed five and one half (5 ½) feet.
- Mr. Chandler stated that if the petitioner has a fear for her children's safety wouldn't she not want the fence pushed back and located closer to the house and away from the road.
- Ms. Cacau answered that she did not talk to the petitioner about that specifically but stated that the rear yard is so soggy right behind the barns near the pond that there is no rear yard for the kids to play.
- Mr. Chandler commented that he can imagine that the front yard is soggy as well.
- Ms. Maise noted that she and Ms. McNeil were on site today and that there is a huge area between the house and the barn and it was not soggy at all and it had rained that morning; the wet area is further back.
- Mr. Chandler feels that the area would be a better place for the kids to play.
- Ms. Maise pointed out that it is an enormous area that would be a much safer place for the kids to play.
- Ms. Cacau responded that she is just expressing the petitioner's wishes to the board and did not discuss with her why she wanted this particular area for the kids to play.
- Ms. Maise stated that it was her understanding from talking with the petitioner that it was due to the location of the front door. The board must keep in mind that this variance runs with the land and this particular request with regards to the practical difficulty, is self created. We have to be careful granting variances that provide for the personal needs of the people living there now due to the fact that this will have a physical impact on the whole corridor. The petitioner's concern is with the location of the front door and the fact that the kids could get out. In looking at the site today there are doors located at the side and rear as well as the front, so this could be as simple as just locking the front door and if the kids were to get out they would get out into the fenced-in area. She finished by saying that with the location of the two driveways and the six (6) foot fence spanning across the entire frontage of the property, there are concerns that the fence could be pretty imposing.
- Mr. Chandler noted that he doesn't think it is very practical giving the children only twenty-four (24) feet in the front yard as a play area.
- Ms. Maise replied that there is ample area in the side and back yards.

- Ms. Cacau questioned whether the board would support the variance if the petitioner lowered the front picket fence to four (4) feet.
- Mr. Chandler stated that in his opinion, if the petitioner's concern is for the children's safety, she may as well have a six (6) foot fence with barbed wire on top. If the concern is for the safety of the children then he would think that she would want to keep them back away from the road.
- Mr. Dan commented that one of the problems with children is when you tell them to stay away from something unfortunately that is what they tend to do is go towards the one thing you tell them to stay away from. He told the petitioner that this would create more work for her and even though she talks and disciplines the children when you tell them not to go near the fence or the road they are going to go near it.
- Mr. Chandler stated that that is all the more reason that she should consider the six (6) foot fence pushed back to the front of the house, keep the front door locked and let them out to play in the back where there is more room and it will be safer all the way around.
- Ms. Cacau noted that she believes one of the other reasons she wanted it pushed out beyond the front of the house was due to the fact that if she is packing the car for a trip and the kids are running in and out of the house they will be safe.
- Ms. Allison stated that she concurs that by putting the fence in the front yard you are encouraging the kids to play in the front yard. If safety is the concern then it makes much more sense to utilize the six (6) foot fence and have the kids play in the rear yard.
- Ms. Cacau replied that the petitioner should get some consideration based on the narrowness of the lot and stated that the city allows fences in the front yard for corner lots.
- Ms. Maise commented that the petitioner's property is not a corner lot.
- Mr. Chandler stated that fencing is not allowed in the front yard of corner lots.
- Ms. Maise stated that corner lots have two frontages and the petitioner does not have two frontages on two streets therefore is not a corner lot.

Motion by Long for a variance to allow a four (4) foot high metal or vinyl picket fence for visual and safety purposes for the front yard portion of the fencing for BZA-2014-002 Marioara Benjenariu located at 15665 Middlebelt Road.

- Ms. Cacau questioned whether black could be utilized as that is the only color she could find in metal.
- Ms. Maise answered that it would have to be white to match the back yard fencing.
- Mr. Long agreed and stated that fencing would have to be matching in color all the way around and stated that they do have the vinyl in white or beige. The finished side of the fencing has to face outward toward the road.
- Ms. Cacau confirmed that the front yard fencing will have to be four (4) foot metal or vinyl. The petitioner found a vinyl fencing that is four and one half (4 ½ ) foot tall.
- Ms. Maise stated that we are in the middle of a motion and should get the motion supported before any further discussion.

Mr. Chandler questioned whether there was support for the motion and there was no support so the motion failed.

Motion by Allison supported by Morris to deny the request for BZA-2014-002 for Marioara Benjenariu to allow a fence in the front yard at 15665 Middlebelt Road.

The subject property is located at 15665 Middlebelt Road. DP# 82-80-142-99-0017-000. Roll Call Vote: Ayes – Allison, Morris, Zilka & Chandler. Nays – Long. Motion Carried.

- Mr. Chandler suggested that the petitioner submit a different proposal that is more conducive for the safety of the children.
- C. BZA-2014-003; Wayne County Department of Public Services on behalf of Jalal Jameel, 7099 Wayne, requesting a variance to Section 7.04(b)(6) to allow parking lot setbacks on Wayne and Ecorse Roads of less than 15 feet. The existing parking setback on Wayne Road is 14.11 feet and 14.25 feet on Ecorse Road. The subject property is located at 7099 Wayne. DP# 82-80-020-99-0063-700.

Sandra Martin, Wayne County Department of Public Services came forward representing the petitioner.

- Ms. Martin stated that she handles all real estate for Wayne County and they are currently working on road construction and although they have no projects scheduled for this intersection they are being proactive in acquiring road right-of-way for future projects. With this particular intersection they are only looking at one property right now on the north side of the street as it would be quite expensive to acquire properties on the south side of Ecorse Road as they would have to buy the entire property and relocate the businesses. In accordance with Federal and State Law the county would have to make the businesses whole and in as good of a position as they were before the acquisition. She finished by saying that although the plans that the county acquired from the city did not show that a variance would be required, after having the property surveyed there is a slight difference in the setbacks and she is requesting the variance for the property owner.

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 came forward.

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

- Mr. Long questioned why the county was taking such a small portion from the north side when they were not taking any at all from the south side.
- Ms. Martin answered that they were only taking the required twenty seven (27) feet that will bring them into compliance with the county's Master Plan.
- Mr. Morris asked whether work is currently being done with regards to the road right-of-way.
- Ms. Martin replied that it was her understanding that some maintenance work is being done at that intersection that is not related to the road right-of-way.
- Mr. Morris stated that the county is simply taking some of the petitioner's property for the future expansion of Ecorse Road but is making them whole as well.
- Ms. Maise noted that Mr. Morris is correct in that the county is taking a small portion of the petitioner's property for the road right-of-way and the Ordinance addresses that and that technically the variance is not required but that it is the county's practice to seek any variances required per the Federal and State laws.
- Mr. Morris stated that this would be the same as changing the setback for a subdivision.
- Ms. Maise confirmed.

Motion by Morris supported by Zilka to approve a variance to allow a 14.11-foot front parking setback on Wayne Road and a 14.25-foot front setback on Ecorse Road for BZA-2014-003; Wayne County DPS on behalf of Jalal Jameel located at 7099 Wayne Road subject to the standards of *Section 20.10* of the Zoning Ordinance.

The subject property is located at 7099 Wayne Road. DP# 82-80-020-99-0063-700. Roll Call Vote: Ayes – Morris, Zilka, Long, Allison & Chandler. Nays – None. Motion Carried.

D. BZA-2014-004; Grand Rapids Metrology, 28500 Eureka, requesting variances to Section 8.04(a) for lot coverage and encroachment into the required front yard setback.

1. Total impervious lot coverage of 88% is requested where up to 75% coverage is allowed.
2. In accordance with Sections 20.07(a) and Section 8.04(a) to allow the expansion of a non-conforming building into the required front yard. A thirty (30) foot front setback is required while a twenty (20) foot front setback is proposed; therefore a ten (10) foot variance is required.

Michael Rickman, Fine Finishing, came forward representing the petitioner.

- Mr. Rickman stated that the owner of Grand Rapids Metrology could not be here this evening but appreciates the board hearing his case. The variance request is for an existing non-conforming structure on Eureka Road for the front yard setback and lot coverage. The proposed building after completion will be approximately 5,534 square feet on a lot that is 42,625 square feet with the structure taking up approximately 12.9 percent of the overall lot. He finished by saying that the existing non-conforming structure after construction will not encroach any more than it currently is.

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 came forward.

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

- Mr. Chandler questioned what type of work is being done at the proposed site.
- Mr. Rickman answered that they sell scales for everything from state police to trash dumps. They don't do any work on site they simply take deliveries and send employees out to do on site work. He finished by saying that the proposed plan includes the addition of a conference room and a couple offices for the expansion of the business that is based out of Grand Rapids.
- Mr. Chandler stated that it is a good sign to see the businesses growing.
- Mr. Rickman responded that the proposed plan also includes a façade change and re-bricking the front of the building.
- Mr. Chandler questioned whether Mr. Zilka had a question regarding a utility pole.
- Mr. Zilka answered that the electrical pole in question was not going to interfere with this project.
- Mr. Rickman stated that they have met with the Fire Department and that proposed site plan does meet the requirements for driving lanes and all other requirements.
- Mr. Chandler questioned whether any additional landscaping is proposed for the front of the building.

- Mr. Rickman answered yes.
- Mr. Morris questioned whether the petitioner is referring to the five greenbelt trees as noted on the planner's report.
- Ms. Maise answered that due to the narrow front greenbelt the proposed site does not meet the requirements and we are trying to get it a little closer in compliance with the landscaping standards. Although the proposed site will not be in full compliance with the landscaping standards it will be closer to compliance than the existing site. Some of the existing landscaping does not look too healthy and needs to be replaced.
- Mr. Morris stated that along with that is the removal of the parking lot striping.
- Ms. Maise noted that what she is referring to is the striping that is in the road right-of-way. She finished by saying that based on the results of this meeting the applicant will revise the plans and resubmit to the ARC committee for review and then hopefully they will move on quickly to the Building Department to start construction.

Motion by Long supported by Allison to approve the variance to allow encroachment into the existing nonconforming front setback and total lot coverage of 88% for BZA-2014-004; Grand Rapids Metrology located at 28500 Eureka Road subject to the following:

1. Administrative site plan approval;
2. Removal of the parking lot striping along the west side of the driveway; and
3. Five (5) greenbelt trees.

The subject property is located at 28500 Eureka Road. DP# 82-80-099-99-0010-702. Roll Call Vote: Ayes – Long, Allison, Morris, Zilka & Chandler. Nays – None. Motion Carried.

6. Old Business – None.

7. New Business – None.

8. Communications

- Ms. Maise stated that Planning Commission has been very busy and had four (4) cases before them at the April meeting and City Council had two cases before them this week as well including the Gas Station at the corner of Middlebelt and Hildebrandt that was proposed a few years ago. City Council also approved the first reading of the D & G Rezoning located at Hannan/Northline/Huron River Drive area. Portions of the property are currently zoned M-1 and the City of Romulus has entered into a conditional rezoning agreement to rezone the entire property to M-2 with limitations on the heavy intensive uses. She finished by saying that the petitioner does not have a project in mind as of yet.
- Mr. Morris questioned whether Ms. Maise had any idea what the petitioner has in mind.
- Ms. Maise answered unfortunately not yet but that the petitioner felt that the rezoning would make the proposed property more marketable as they have talked with several clients who did not like the idea of the split zoning. Now that the zoning is in place all the petitioner has to do is submit a site plan.
- Ms. Maise stated that there were no applications submitted for the June BZA meeting but that she is working on several cases that may be ready for the July meeting and asked the board members to let Ms. McNeil know if they are going to be out of town for the Fourth of July holiday.




9. Discussion

- Mr. Chandler stated that he is glad to see that both gas stations at Ecorse and Hannan Road and Wayne and Wick Roads are moving right along and that he will not have to drive so far for gas for much longer.
- Ms. Maise stated that you may see some changes at the Speedway gas station as well. They are introducing a new concept including coffee and a cafe and they are doing it in certain spots around the country and have chosen that site due to the proximity to the airport. They are currently under review at the Building Department for sign changes but that it doesn't look like any further variances will be required.
- Mr. Chandler questioned whether the Shell Station at Hannan and Ecorse Road would have food service.
- Ms. Maise answered that they are and she encouraged the board members to stop and in check the site out. She and Ms. McNeil had been over there earlier and it has quite an impressive kitchen area where you will be able to get pizza and sandwiches along with a Coffee Beanery in the back. They are not quite sure yet who will be the tenant for the fast food restaurant.

10. Adjournment

Motion by Zilka supported by Long to adjourn at 7:44 p.m. Roll Call Vote: Ayes – Zilka, Long, Allison, Morris, & Chandler. Nays – None. Motion Carried.

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Donald Morris, Secretary  
Zoning Board of Appeals