

10. Adjournment

4. Motion by Long supported by Clark to approve the minutes of the regular meeting of the Board of Zoning Appeals held on May 7, 2014. Roll Call Vote: Ayes – Long, Clark, Zilka, Mientkiewicz & Chandler. Nays – None. Motion Carried.

5. Petitions

- A. BZA-2014-005; Glenn Koerber, 15993 Fern, requesting a variance to Section 3.07 (a) to allow a 36-foot front yard setback on Valley View Dr. The ordinance requires a fifty (50) foot setback therefore a 14-foot variance is requested. DP# 82-80-122-01-0034-000.

Mr. Glenn Koerber came forward as the petitioner.

- Mr. Koerber stated that the request is for the corner lot at Fern and Valley View Drives due to the fact that the lot is not big enough to meet the requirements of the fifty (50) foot setback for both front yards once the home is built. He would like to build a thirty (30) by fifty two (52) foot home and it will not fit with the front setback requirements and that is why the fourteen (14) foot variance is being requested.

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.

- Ms. Maise reported that the reason the variance is being requested is due to the fact that when the property was subdivided the subject lot and the one next to it (also requesting a variance) were a little bit narrower than the ones across the street and that both petitioners do have a practical difficulty.
- Mr. Koerber stated that the house across the street that would face his home is on a lot that is fourteen (14) feet wider than his lot and did not require a variance. He believes that his lot and the one behind his were platted so that they lined up with the ones across both streets which inadvertently left them fourteen (14) feet shorter than the remaining ones.
- Mr. Chandler questioned if the house plans provided this evening show the actual home that he is purchasing.
- Mr. Koerber answered that the home he is purchasing is a modular home that will be slightly different in that he will only have a single garage door but that he will still be utilizing the brick for a portion of the home as shown in the picture.
- Mr. McCraight mentioned that in meeting with the Koerber's during the application process he learned that modular or pre-fab homes come in pre-determined sizes and in looking at the site plan with them, if the variance is granted, it would be a more symmetric look to the neighborhood.
- Mr. Koerber noted that the minimum square foot requirement is fifteen hundred (1,500) square feet. The home he is proposing is a fifteen hundred and sixty (1,560) square foot home so he is not requesting a variance due to the overall size of the home but due to the smaller size of the lot.
- Mr. Chandler questioned whether Mr. Koerber is proposing a basement.
- Mr. Koerber answered that at this time they are proposing a crawlspace.

- Mr. Mientkiewicz asked whether Mr. Koerber's lot ends where the woods begins.
- Mr. Koerber replied that the lot is located on Valley View where Fern ends.
- Mr. Mientkiewicz questioned whether the main entrance to the home would face Fern.
- Mr. Koerber answered yes.
- Mr. Clark questioned whether the proposed home is a modular or double wide mobile home.
- Mr. Koerber answered that it is a modular home.
- Mr. Clark stated that either way it is built to be transported via the expressway at 70 m.p.h. and congratulated Mr. Koerber on his new home.
- Greg Keller, 38803 Valley View, questioned if anyone knows why the by-laws would allow these two lots to be platted in such a way. He likes the spacious lots, the woods and the separation between the road and neighbors and questioned whether anyone knows the history of why these lots were platted in such a way that his new neighbor would have to request this variance.
- Mr. Maise responded that while she was not involved in the development of this subdivision she has seen the layout for what is called Phase II of the development, and just as Mr. Koerber stated, there are lots that go all the way up Fern and line up with the lots on Aspen. If the owner wants to develop the property, there could be homes there in the future that will line up with the existing homes.
- Mr. Keller stated that he understands that but questioned why they would plat lots that would require a variance.
- Ms. Maise answered that at the time that these lots were platted the front setback requirement may have been different and they may not have given a lot of thought to the building envelope fitting within the lot.
- Mr. Keller commented that his only concern is that it would cut up the flow of the neighborhood and questioned Mr. McCraight as to whether he felt that it would do that.
- Mr. McCraight answered that in looking at the overall site plan, if it is placed right it may even make it look a little more symmetrical in that area and may even help with the future lots if they are developed as well. He was not involved when this project was being developed either and is trying to understand why it was platted this way as well.
- John DUBYAK, 15599 Hannan, Association President, stated that the two lots on Valley View were widened so that they could get another home in that expandable area and maintain the half acre lot size. Those two lots were too narrow to build on and that is why the two builders could not sell them. He finished by saying that if you take note that none of the homes as you come down Valley View face Valley View on that side of the street and he does not believe that moving it another fourteen (14) feet closer to Valley View will detract from the existing homes.
- Mr. Long questioned Ms. Maise as to whether the variance will impede into the right-of-way should it be granted.
- Ms. Maise answered no and stated that the cover sheet of her report shows the orange property lines and the street is outside of the property lines. She finished by saying that all measurement is done from the property lines.

Motion by Zilka supported by Clark to approve a front setback variance for 36-foot front yard along Valley View Dr. for BZA-2014-005; Glenn Koerber located at 15993 Fern.

The subject property is located at 15993 Fern. DP# 82-80-122-01-0034-000. Roll Call Vote: Ayes – Zilka, Clark, Long, Mientkiewicz & Chandler. Nays – None. Motion Carried.

- B. BZA-2014-006; Betty Colbert, 15990 Aspen, requesting a variance to Section 3.07 (a) to allow a 32.80-foot front yard setback on Valley View Dr. The ordinance requires a fifty (50) foot setback therefore a 17.20-foot variance is requested. DP# 82-80-122-01-0035-000.

Betty Colbert came forward as the petitioner.

- Ms. Colbert stated that her request mirrored Mr. Koerber's request and that her address would be on Aspen Drive as her front door would face Aspen. Her request and situation are the exact same situation as Mr. Koerber.

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.

- Paul Crabtree, 15982 Aspen, questioned whether the easement of thirty (30) feet between the two homes would remain the same.
- Mr. Chandler questioned whether he was referring to the side yard setback.
- Mr. Crabtree answered yes and stated that he is referring to the distance between the two homes which he believes is thirty (30) feet.
- Ms. Maise questioned how wide the easement was.
- Mr. Crabtree replied that he believes it is thirty (30) feet.
- Mr. Long answered that he believes it is fifteen (15) feet.
- Ms. Maise noted that if there is an easement the easement would be within the setback which will limit what the petitioner can do. She questioned what type of easement it is and if it is a utility easement.
- Mr. McCraight asked whether they are referring to the setback requirements or an easement.
- Ms. Maise explained that there is a difference between a setback and an easement and stated that there are rights that go along with an easement for such things as utilities. She questioned whether Mr. Crabtree is referring to an easement or the setback requirements.
- Mr. McCraight stated that the setback is the minimum required distance between the lot line and the structure.
- Mr. Crabtree mentioned that his concern is the distance between the two homes.
- Ms. Maise replied that the minimum distance allowed is fifteen (15) feet and questioned whether there is an easement overlaid on top of that fifteen (15) – foot setback. An easement is not indicated on the survey presented however the builder may know if there are restrictions within that easement in terms of utilities that would limit what the petitioner can do.
- Mr. Crabtree stated that he has no knowledge of utilities being located there.
- Ms. Maise noted that the plot plan does not indicate any type of easement.
- Mr. McCraight replied that based on the plot plan, the distance between the lot line and Mr. Crabtree's home is twenty and one half (20.5) feet and the setback requirement for the petitioner's home would be fifteen (15) feet which would give a total of thirty five (35) feet between both structures.
- Ms. Maise thought that if there is an easement between the two properties it would be indicated on the plot plan as there is an easement shown on the front of the petitioner's property as well as Mr. Crabtree's property. If there is an easement between the two properties it would be on the plot plan as well.
- Mr. Crabtree stated that he did not want the variance to be granted for the side yard.

- Ms. Maise stated that the variance request is for the other side of the home. The applicant wants to keep the separation to the maximum on Mr. Crabtree's side of the property but on the road frontage she wants to keep everything in line with the existing homes.
- Mr. McCraight informed the Board that the minimum side yard setback in that area is fifteen (15) feet and the petitioner will meet that requirement. He finished by saying that Mr. Crabtree exceeds the requirement by having twenty (20) feet so there will be thirty five (35) feet between the two structures.

Motion by Long supported by Mientkiewicz to approve a front setback variance for 17.2 feet to allow for a 32.8-foot front yard along Valley View Dr. for BZA-2014-006; Betty Colbert located at 15990 Aspen.

The subject property is located at 15990 Aspen. DP# 82-80-122-01-0035-000. Roll Call Vote: Ayes – Long, Mientkiewicz, Zilka, Clark & Chandler. Nays – Long. Motion Carried.

- C. BZA-2014-007; 27800 Wick, requesting a variance to Section 11.14(d)(1) to allow an indoor recycling facility on 4.00+- acres. The ordinance requires five (5) acres therefore a one (1) acre variance is requested. DP# 82-80-048-99-0019-700.

Eric Chappell came forward representing the petitioner.

- Mr. Chappell stated that Mr. Eaton has been involved in the recycling industry for a significant period of time and has been looking for a building where he can have a processing center in the local area. After quite an extensive search the proposed site was located as a potential candidate, unfortunately there is the five (5) acre requirement for indoor recycling and this site is only four (4) acres. The type of recycling that will occur at this particular site will involve cardboard, paper, plastic and metal. He continued by saying that nothing hazardous or anything in that regard will be processed at this site; trucks will be in and out of this facility; and processing will all occur inside the building with the possibility of minimal outdoor storage. Say as an example, the cardboard cannot be recycled to the paper mill wet as they want dry material with respect to that. Any large metal products will be sent out to a third party shredder and then sent on to the end user. He finished by saying that primarily the recycling at this site will include cardboard, paper and plastic.

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.

- Steve Binkowski, 27609 Mary, stated that he votes no on this project and that in 1990 when the building was constructed it was an illegal foundry that was polluted and they tried cleaning and cementing it up in the ground and it is still polluted. He questioned what access road they intend to utilize and stated that Mary Street is not an access road and that if they intend to utilize it that it would have to be reconstructed. He questioned the drainage and whether they would be utilizing an existing pond that drains out to Wick Road. He finished by saying that he votes no on this project because it directly affects his property and that it is practically on his doorstep.
- Mr. Chandler questioned where Mr. Binkowski got his information regarding the pollution.
- Mr. Binkowski answered that his sister looked it up on the internet.
- Mr. Chandler asked whether the city has any information regarding the pollution accusations.

- Ms. Maise deferred that question to Mr. McCraight who can address questions regarding the re-occupancy procedure in terms of the environmental and she noted that she can address the road issue. .
- Mr. Binkowski stated that he has drainage issues on his property and that there is water being pumped out of the existing detention pond on the adjacent property. He has no idea what information the city has regarding the pollution and that it would cost thousands and thousands of dollars to make Mary an access road.
- Ms. Maise informed the board and audience that there is an access agreement for the driveway between the property owner and the owner of the adjacent parcel to the front. As you can see from the front page of her report the proposed site does not have frontage on Wick Road so they will be utilizing the access drive adjacent to the front building which she understands is a foundry. There is currently a storage company utilizing the subject building and trucks are allowed to use the access drive. She finished by saying that Mr. McCraight can address any issues regarding the re-occupancy process and how environmental concerns are addressed.
- Mr. McCraight stated that this is the first he has heard about possible site contamination and that he will look into it.
- Mr. Binkowski commented that there was pollution from when the foundry was in there illegally.
- Mr. McCraight noted that during the re-occupancy process any possible site contamination will be addressed and that he can require a third party inspection with regards to any contamination. He finished by thanking the resident for making him aware of it and that he will look into it.
- Ms. Maise questioned Mr. Chapell as to whether the environmental was addressed during his due diligence process.
- Mr. Chapell answered that they started with a Phase I assessment that typically addresses things that are visible or a matter of public record. As the buyer of the property they would obviously be very interested in knowing if there is any contamination that may be there and this is the first time that they have heard of it. He would like the opportunity to check out the information that has been provided this evening and questioned Ms. Maise as to when the next meeting would be.
- Ms. Maise answered that the next meeting would be on the first Wednesday in August. She noted that as addressed in her report, the petition does meet the practical difficulty criteria and the Board may determine that the area requirement variance may be warranted. Any approval could be conditioned an environmental assessment being provided for review so that the applicant can move forward with the re-occupancy through the Building Department. She finished by saying that it is up to the applicant with regards to how comfortable he would be with that as a condition and or whether he wants to come back to the next meeting.
- Mr. Chappell stated that given the information that has been provided this evening and given the fact the environmental stuff is pretty important with regards to purchasing this property, tabling the petition may be more appropriate. This is the type of stuff that would require a Phase II or Phase III inspection. They had not planned on this due to the fact that they have not received anything back from the environmental study. Based on the information provided this evening he respectfully requested that the board consider tabling this request until the August meeting to allow the applicant to talk with the Binkowski's and investigate this further so we all know what are dealing with before a decision is made.
- Mr. Chandler questioned whether all these issues would be addressed before a certificate of occupancy is issued.
- Ms. Maise answered yes and stated that they would have to be addressed as part of the re-occupancy.
- Mr. Chandler stated that the applicant would still have to go through the re-occupancy process even if the variance was granted.

- Paul Berger, Berger & Company, 38345 W. Ten Mile, Farmington Hills, MI stated that as the current owner's real estate agent he would like to mention two things. First being, with no disrespect to Mr. Binkowski, that there are a lot of things on the internet that may or may not be true. Everybody wants a safe community and that is first and foremost. Secondly, this particular property has been sold two times previously since constructed in 1990 and each time there was financing in place. When this was originally a foundry back in 1990 the property was then sold by Process Prototype, who is still located within the City of Romulus, to Morse Moving and Storage who had a loan in place that required a full environmental inspection. You cannot get a loan on a property if there is a bubbling toxic well on site. When Morse Moving and Storage sold to the current owner there was financing in place. The current owner's trucks access the property only from Wick Road through the driveway easement and they have no interest nor would they want to utilize Mary Street that Mr. Binkowski lives on. The owner of the proposed site has a full legal right to use Wick Road and the driveway that services this site that is located between Process Prototype and Scotties Potties. The driveway is there and nobody sees it or uses it except for the company located in the rear of the property and that is why nobody would need to utilize Mary Street. He finished by saying that the board can do what they will with this information but that he felt he needed to provide these key facts.
- Mr. Chappell stated that even given Mr. Berger's comments he is not sure what any bank would require but that the buyer's contract requires the disclosure of any past environmental reports and that he does not believe that they have received any at this point. He would elect, if the board does not so mind, to table this request for a month and appreciates all the assistance that the city has provided on this project. He noted that everyone has been very professional in response to the applicant's request to get this matter before the board this evening but that they would like to operate with a little more caution given the accusations.
- Mr. Chandler questioned the size and how many trucks would be utilizing the easement.
- Mr. Chappell answered that it would be tractor trailers or box trucks that would be bringing in the materials.
- Mr. Chandler questioned whether the easement permit would be upgraded as the previous one was from 1994.
- Mr. McCraight asked whether Mr. Chandler was referring to the condition of the driveway itself.
- Ms. Maise said that she believes what Mr. Chandler is referring to is the easement agreement but that with regards to the improvements that question would be directed to Mr. McCraight.
- Mr. McCraight stated that the condition of the driveway would be addressed during the city certification inspection after the applicant completes the re-occupancy process. He noted that he saw a couple spots that would be required to be patched.
- Mr. Chandler mentioned that it definitely looks like it needs work.
- Mr. McCraight stated that some spots might not be dangerous yet but after one more winter they will need attention.
- Mr. Chappell noted that they are anticipating owning two to four trucks that will make three to five trips out of the driveway with some delivery trucks as well. Truck size wise will be very different than the moving company and that they recognize that there are repairs issues with the driveway and that the current owner has done some filling with regards to holes.
- Ms. Maise showed the board pictures with regards to that and noted that the existing road is not built to the current standards. If this was a new building it would have to be a hard surface with curbing. Since this is a continued use of a non-conforming site that has not been shut down or abandoned for a specific length of time, it is allowed to continue. She finished by saying that during the city cert inspection Mr. McCraight can address the current conditions of the driveway with regards to safety, however he cannot require the hard surface and curbing.
- Mr. Chandler questioned whether the existing easement is still valid.

- Ms. Maise answered yes and stated that it is valid and that it grants rights to cross the property and it has a maintenance provision that talks about to what extent each property owner has in maintaining it. She finished by saying that although Mr. McCraight can require that it has to be maintained he does not have the ability to tell who does what.
- Mr. Chappell stated that it is a fifty fifty split.
- Mr. Zilka noted that even if the board approves the variance, one of the conditions of approval can be that the access drive be improved based on what Mr. McCraight deems necessary. He finished by saying that that will give the board some protection that the access drive will be improved.

Motion by Zilka supported by Long to table BZA-2014-007; Richard Eaton located at 27800 Wick Road.

The subject property is located at 27800 Wick. DP# 82-80-048-99-0019-700. Roll Call Vote: Ayes – Zilka, Long, Mientkiewicz, Clark & Chandler. Nays – None. Motion Carried.

6. Old Business – None.

7. New Business – None.

8. Communications

- Ms. Maise stated the Planning Department has a lot going on with regards to site plans and that there will be a meeting in August for a fence variance. She finished by saying that they may have another application coming in for another fence variance as well.

9. Discussion

- Mr. Chandler stated that the gas station at Wayne and Wick is really looking good and questioned the status of the Upscale Warehouse project.
- Ms. Maise replied that they will be on the agenda for the July 21st Planning Commission meeting requesting a twelve (12) month extension and are in the process of getting financing.
- Mr. Mientkiewicz mentioned that the Shell Station at Ecorse and Hannan Roads has done a really nice job and continues to do so.
- Ms. Maise concurred and suggested that if they get a chance they should visit site.

10. Adjournment

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

lm



Donald Morris, Secretary
Zoning Board of Appeals