MINUTES OF THE CITY OF ROMULUS REGULAR MEETING OF THE BOARD OF ZONING APPEALS HELD ON WEDNESDAY, JANUARY 2, 2013

1. The meeting was called to order by Chairman Chandler at 7:00 p.m.

2. Roll Call Showing: Kenneth Mientkiewicz, Donald Morris, Melvin Zilka and Sheldon Chandler
   Absent: Emery Long
   Also in attendance: Carol Maise, City Planner, Linda McNeil, Sr. Secretary

3. Motion by Zilka supported by Mientkiewicz to approve the agenda as presented. Roll Call Vote: Zilka, Mientkiewicz, 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 October 3, 2012.

5. Petitions

   A. BZA-2012-011; Kirmin Industries, requesting four (4) variances from the City of Romulus Zoning Ordinance as follows:

      1. Dimensional (Non-Use) Variance – A variance to Section 8.04(a) to allow a 5-foot wide rear yard setback adjacent to a residential district for the construction of a three-side, metal building for the storage of metal stamping dies. A 50-foot rear yard setback is required.
      2. Dimensional (Non-Use) Variance – A variance to Section 13.02(e) to allow a 5-foot wide buffer between industrial and residential uses and to allow a fence for screening where a 50-foot wide buffer including a wall or berm and supplemental plant materials are required.
      3. Dimensional (Non-Use) Variance – A variance to Section 8.04 (a) to allow a 10-foot wide setback adjacent to a commercial/office district for the construction of an outdoor storage building. A 20-foot side yard setback is required.
      4. Building Material Variance – A variance to Section 13.01(f) to allow a metal sided storage building adjacent to a residential district. The ordinance requires that a minimum 50% of the rear elevation be brick, face brick, stone, cast stone or C-brick. The subject property is located at 36310 Ecorse Road. DP# 82-80-020-99-0003-000.

B. BZA-2012-012; Lee Steel, requesting a variance from the City of Romulus Zoning Ordinance as follows:

1. Fence Variance. A variance to Section 13.03 (b)(3) of the Zoning Ordinance is requested to allow fencing and an access control gate in the front yard along I-275. The subject property is located at 36320 Eureka Road. DP# 80-80-116-99-0001-704.

C. BZA-2012-013; Lee Steel, requesting a variance from the City of Romulus Sign Ordinance as follows:

1. Sign Variance. A variance to Table 29.07 of the Sign Ordinance is requested to allow two (2) wall signs. The Ordinance allows one (1) sign per wall facing a street or an access drive.

2. Sign Area Variance. A variance to Table 29.07 of the Sign Ordinance is requested to allow two (2) 280-square foot wall signs. The Ordinance allows up to 100 square foot sign. Therefore a 180 square foot variance is required. The subject property is located at 36320 Eureka Road. DP# 80-80-116-99-0001-704.

6. Old Business

7. New Business

A. 2013 Board of Zoning Appeals Meeting Dates (Action required: Make a motion to adopt meeting dates.)

8. Communications

A. City Planner's Status Report
B. Minutes of the regular meeting of the Planning Commission held on September 17, 2012 and October 15, 2012.

9. Discussion

10. Adjournment

4. Motion by Mientkiewicz supported by Morris to approve the minutes of the regular meeting of the Board of Zoning Appeals held on October 3, 2012. Roll Call Vote: Ayes - Mientkiewicz, Morris, Zilka, & Chandler. Nays – None. Motion Carried.

5. Petitions

A. BZA-2012-011; Kirmin Industries, requesting four (4) variances from the City of Romulus Zoning Ordinance as follows:

1. Dimensional (Non-Use) Variance – A variance to Section 8.04(a) to allow a 5-foot wide rear yard setback adjacent to a residential district for the construction of a three-side, metal building for the storage of metal stamping dies. A 50-foot rear yard setback is required.

2. Dimensional (Non-Use) Variance – A variance to Section 13.02(e) to allow a 5-foot wide buffer between industrial and residential uses and to allow a fence for screening where a 50-foot wide buffer including a wall or berm and supplemental plant materials are required.
3. Dimensional (Non-Use) Variance – A variance to Section 8.04 (a) to allow a 10-foot wide setback adjacent to a commercial/office district for the construction of an outdoor storage building. A 20-foot side yard setback is required.
4. Building Material Variance – A variance to Section 13.01(f) to allow a metal sided storage building adjacent to a residential district. The ordinance requires that a minimum 50% of the rear elevation be brick, face brick, stone, cast stone or C-brick. The subject property is located at 36310 Ecorse Road. DP# 82-80-020-99-0003-000.

Mr. Thomas Mulawaka, Kirmin Industries and Mr. Thomas Jonik, Custom Building Company LLC, came forward representing the petitioner.

- Mr. Jonik stated that Kirmin Industries is a metal stamping company that has been in business in Romulus for thirty four (34) years and provides stampings to the automotive industry. Mr. Mulawaka leased this property for many years and has since purchased it and is trying to make modifications to upgrade the site. Kirmin Industries services local, national and global companies and now has the unique opportunity to secure additional business which requires him to have outside storage of the dies.
- Mr. Jonik explained that although the proposed property is comprised of three parcels, the only parcel affected by the proposed storage building is parcel number one. The outside storage will be located on the north east corner of that parcel. Parcel number one is a completely developed site that leaves little room for buffers or any type of landscaping. The north east corner was selected for the proposed outside storage building due to circulation restrictions, such as the daily operations of the business and for emergency vehicles, should that be required.
- Mr. Jonik continued by saying that sheet number three identifies all the different outside storage areas which include metal bins that the parts are transported in. The proposed storage building will allow the petitioner to clean up a non-conforming property and also allow him to store dies out of the inclement weather in a pole barn type structure. Mr. Jonik stated that sheet number six gives the details of the proposed structure which will include six by six posts, supported by a mono gable type truss system and an ocean blue metal siding. The ocean blue will match the ocean blue awnings installed on the front of the existing building and will also be compatible to the adjacent General Motors building.
- Mr Jonik noted that the final sheet is an aerial view of the existing property which shows that the adjacent parcels are heavily wooded which would provide some natural screening of the proposed building. Most of the residential property adjacent to the proposed site is vacant with the exception of one residence. Should there be additional residences built in the future, the heavily wooded area should provide a natural screening of the proposed structure. Mr. Jonik finished by giving a brief description of the types of outside storage that is required and why the four variances that are requested will allow Kirmin Industries to capitalize on an opportunity and service additional customers.

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 whether sheet eight is the reflection of an actual survey with regards to the property lines.
- Mr. Jonik answered yes.
- Mr. Chandler stated that it looks like the structure is located right up against the fence on the east side of the property.
- Mr. Jonik stated that there is approximately eighteen inches in between the fence and the structure. The petitioner has a lot of problems with theft of scrap metal and small items from the property and it is essential that the petitioner be able to have barbed wire along top of the proposed fence in order to maintain security of the property.
- Ms. Maise pointed out that the existing fencing on the north side is located on the adjacent property. She informed that Board that the proposed barbed wire on the new vinyl fence would have to be approved by the Planning Commission.
- Mr. Jonik stated that to the east the petitioner is within the property line.
- Mr. Chandler questioned how far the proposed structure would be located from the property line on the east side.
- Mr. Jonik answered that the proposed structure would be located approximately ten feet from the property line on the east side.
- Mr. Jonik stated the when the existing fencing was installed, it came right off the corners of the building, when in fact the actual property line is further to the east from there.
- Mr. Zilka questioned the Ocean Blue color the petitioner has chosen and suggested it may be better to use a color that would be more cohesive to the rear of the existing building.
- Mr. Mulawaka stated that Ocean Blue coordinates with the General Motors buildings, which is a substantial customer of his and located on the other side of the railroad tracks. He also chose the Ocean Blue to coordinate with the front awnings of the existing building. He intends to paint the remainder of the outbuildings, but just has not gotten around to it as of yet.
- Mr. Chandler questioned who would be constructing the proposed building.
- Mr. Jonik answered that his company, Custom Building Company LLC would be constructing the proposed building.
- Mr. Chandler stated that he was not aware of that.
- Mr. Jonik stated that he had not divulged that.
- Mr. Chandler questioned why a building permit had not been applied for.
- Mr. Jonik stated that it was not his fault.
- Mr. Mulawaka, property owner, stated that it was his fault a building permit had not been applied for.
- Mr. Jonik stated for the record, that Mr. Mulawaka had worked with Mann's Lumber with regards to the engineering and they then referred him to the truss supplier and then he purchased the exterior material from Carter's Lumber. He utilized his own personnel for fabrication on site and had inadvertently forgotten to apply for the building permit. It was not until the Stop Work Order was issued that he got involved. He finished by saying that Ms. Maise has been a tremendous help in getting through this process.
- Mr. Mientkiewicz questioned what type of fencing would be utilized.

- Mr. Jonik stated that the ARC Committee has recommended vinyl fencing. The petitioner has no objection to the vinyl fencing as long as the barbed wire can be utilized with it. They are currently utilizing three strands of barbed wire with the existing fence.
- Ms. Maise questioned whether the petitioner was proposing to install the barbed wire on the vinyl fence.
- Mr. Jonik stated if that was possible, yes.
- Mr. Chandler questioned whether the petitioner was proposing solid vinyl panels or chain link fencing with a vinyl coating.
- Mr. Jonik stated that it would be solid panel.
- Mr. Mientkiewicz questioned the petitioner as to whether all the out buildings would be Ocean Blue.
- Mr. Mulawka stated yes.
- Mr. Zilka asked whether the Ocean Blue siding has already been purchased.
- Mr. Mulawka stated yes, that it has been sitting on site for some time.
- Ms. Maise noted that the Building Department thought that if the Board of Zoning Appeals desired to have the proposed building be more of an earth tone color, that the petitioner would have the ability to paint the proposed building. Since both a building materials variance along with the setback variance were needed, mitigation would likely be necessary. She finished by saying that the vinyl fence was the best option for screening, but there was still the question of whether the Board would endorse the Ocean Blue color of the metal siding.
- Mr. Chandler stated that he believes that the people to the north won't even be able to see it nor will it be visible from the Ecorse Road side either.
- Mr. Morris stated that he agrees. That with the wooded lot to the rear, you won't see much of it at all.
- Mr. Chandler questioned if the petitioner had received a copy of the Planner's Report and whether he had any objections to any of the recommendations.
- Mr. Jonik stated that he has worked very hard with Carol and the entire ARC Committee and they have all been very, very helpful. He finished by saying that they met repeatedly to come up with some common ground with regards to the recommendations.
- Ms. Maise mentioned that the plans will need to be cleaned up, the barbed wire will have to be approved by the Planning Commission, and then the issuance of a building permit is required before construction can begin.
- Mr. Chandler questioned whether the petitioner has had much trouble with theft.
- Mr. Mulawaka answered yes and that the gates have to be secured at the end of the work shift. He has even had trouble with people backing up to the gates and pulling them down so he now has security measures in place.
- Mr. Chandler questioned how sturdy the proposed vinyl fencing would be.
- Mr. Jonik stated that they are very concerned about that.
- Mr. Chandler asked whether the existing fencing could be left in place.
- Ms. Maise replied that it was her understanding that the existing fencing, which is located on the adjacent property, would remain, and that the proposed fencing would be located just behind parcel one for now.
- Mr. Jonik answered that the existing fencing is encroaching on the adjacent property and that the intention was to install the proposed vinyl fencing in the right location and take the existing fence down. The petitioner is willing to leave the existing fencing up, but that there may come a day in the future when the adjacent property owner realizes the fencing is on their property and may possibly take it down.

- Ms. Maise mentioned that the ARC Committee had no problem with the location of either fence and they feel that it just adds additional security.
- Mr. Jonik stated the petitioner has added additional security by parking a truck adjacent to the gate so that it cannot be pulled down. He continued by saying that a knox box will be added for Fire Department personnel should there be a need to access the gate. Mr. Jonik finished by saying that the petitioner has been very accommodating with regards to resolving existing non-conforming issues.
- Mr. Mientkiewicz questioned whether the petitioner has been in contact with the adjacent property owner with regards to the fencing.
- Mr. Jonik stated that three of the adjacent properties have not been developed and the one that has been developed is hundreds of feet from the proposed property.
- Mr. Mientkiewicz asked whether the petitioner owns all five buildings.
- Mr. Mulawka answered that he only owns three of the buildings.
- Mr. Chandler questioned whether the structure would be large enough to store all the dies and tubs inside.
- Mr. Mulawka answered that the intent is to store all the dies and tools inside the proposed structure.
- Mr. Chandler asked whether the proposed structure would have a metal roof.
- Mr. Mulawka replied yes.

Motion by Morris supported by Zilka to approve BZA-2012-011 for Kirmin Industries located at 36310 Ecorse as follows:

1. A variance to *Section 8.04(a)* to allow a side yard setback of 10 feet for an accessory storage building adjacent to a commercial/office district where 20 feet is required;
2. A variance to *Section 8.04(a)* to allow a rear yard setback of 5 feet for an accessory storage building adjacent to a residential district where 50 feet is required;
3. A variance to *Section 13.02(e)* to allow a 5-foot wide buffer between industrial and residential property and to allow an 8-foot vinyl fence for screening; and
4. A variance to *Section 13.01(f)* to allow the use of corrugated aluminum siding for the rear elevation of a proposed accessory storage building.

The approval is subject to administrative approval of the site plan by the Administrative Review Committee (ARC) and issuance of a building permit by the Building Department. The barbed wire is subject to review by the Planning Commission.

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

B. BZA-2012-012; Lee Steel, requesting a variance from the City of Romulus Zoning Ordinance as follows:

1. A variance to Section 13.03 (b)(3) of the Zoning Ordinance is requested to allow fencing and an access control gate in the front yard along I-275. The subject property is located at 36320 Eureka Road. DP# 82-80-116-99-0001-704.

Devan Anderson, Steven C. Flum Inc., Architect; came forward and addressed the Board. He stated that due to the fact that Lee Steel's property is land locked at the back of an Industrial Park,

with the only way in and out is the existing access road. The petitioner wishes to limit vehicular access to his property for a lot of the same reasons as the previous applicant. During the construction process there have been joy riders, and with the three railroad spurs and all the construction equipment on site, the petitioner wishes to limit the liability and possible property damage on site. The petitioner wishes to limit access by installing a gate at the access road and fencing from the reeds along the I-275 corridor to the gate and from the gate to the retention pond and then it will turn and go approximately ten feet up the property line and stop. He finished by saying that due to the fact that the access road is located in the front yard setback, only a small portion of the fencing will be located in the front yard setback along the southeast corner of the property.

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 control gate would be utilized.
- Mr. Anderson answered that the control gate will simply control access to the property. It will be a motorized gate with a keypad and a camera that will allow visitors to be buzzed in, or they can punch in the code to gain access to the property if the plant is closed. The fence will be eight foot high and vinyl coated.
- Mr. Zilka questioned how the Fire Department will gain access.
- Mr. Anderson stated that one of the requirements per the Fire Department is to provide a knox box which will essentially allow them to gain access with the key provided by the petitioner.

Motion by Zilka supported by Mientkiewicz to approve the variance to *Section 13.03(b)(3)* to allow an 8-foot high, black vinyl-coated chain link access control gate and fencing in the front yard for BZA-2012-012 for Lee Steel located at 36320 Eureka Road be approved since compliance with the requirements of the Zoning Ordinance would result in practical difficulty due to the location and layout of the subject parcel of property. The variance shall be subject to:

1. Review of the proposed fence locations on both the east and west sides of the property within the ingress/egress easements by the Building and Fire Departments prior to issuance of any fence permits.
2. A copy of the recorded 60-foot wide ingress/egress easement being provided to the Planning Department prior to issuance of a fence permit.
3. Removal of the gate and fence if the ingress/egress easement is ever extended to the north.

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

2. BZA-2012-013; Lee Steel, requesting a variance from the City of Romulus Sign Ordinance as follows:

   a. A variance to Table 29.07 of the Sign Ordinance is requested to allow two (2) wall signs. The Ordinance allows one (1) sign per wall facing a street or an access drive.

   b. A variance to Table 29.07 of the Sign Ordinance is requested to allow two (2) 280-square foot wall signs. The Ordinance allows up to 100 square foot sign. Therefore a 180 square foot variance is required. The subject property is located at 36320 Eureka Road. DP# 80-80-116-99-0001-704.

- Devan Anderson, Steven C. Flum Inc., Architect; came forward and stated that the Lee Steel property is on a thirty acre parcel with the building itself being five acres in size. He explained that there is limited visibility due to the property being located at the end of an industrial park. There will be no access to the property from I-275 along with the fact that traffic will be traveling at such a high rate of speed.
- The petitioner is allowed to have a sign that is 140 square feet total which will not be visible from Eureka Road or the I-275 corridor. The building is forty feet high and 600 feet long and the 140 square foot sign will essentially be the size of a small window and not visible.
- He continued by saying that with all the things that the owner has done to limit the impact of the building itself he would essentially like to be able to have bigger signs so that the building is more visible. With the positioning of the building diagonally on the property, which means that essentially two sides of the building will face the I-275 corridor, the owner would like a sign identifying the property on both sides of the building.

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. Mientikiewicz questioned what colors the sign would be.
- Mr. Anderson answered that the sign would be silver, white, black and electric green and that it was also the color pallet that was chosen for the building.
- Mr. Chandler questioned whether the sign would be lighted.
- Mr. Anderson answered yes.
- Mr. Mientikiewicz questioned whether there have been any issues with the front two buildings with regards to the driveway.
- Mr. Anderson answered that nothing has come to light, just the standard neighbor stuff. He finished by saying that the building is a long way from Eureka Road and that he does not believe that you will be able to even see the signs from Eureka Road.

Motion by Morris supported by Mientkiewicz to approve BZA-2012-013 for Lee Steel at 36320 Eureka Road for two (2), 280-square foot wall signs subject to issuance of a sign permit by the Building Department since compliance with the requirements of the Sign Ordinance would result in practical difficulty.

Roll Call Vote: Ayes - Morris, Mientkiewicz, Zilka and Chandler. Nays – None. Motion Carried.

6. Old Business – None

7. New Business

A. 2013 Board of Zoning Appeals Meeting Dates (Action required: Make a motion to adopt meeting dates.)

Motion by Zilka supported by Morris to approve the 2013 Board of Zoning Appeals Meeting Dates as submitted.

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

8. Communications

- Mr. Morris stated that he really appreciates the status report provided by Ms. Maise. He finds it very helpful when questioned about various projects going on within the city.
- Ms. Maise noted that the Planning Department staff is working on getting the report along with a map of the various projects on the city's website for the residents to review. She mentioned that one of the projects that the Planning Department is currently working on is KRC Logistics. They have reoccupied one of the old Lear Seating buildings and are going to need several variances.

9. Discussion – None.

10. Adjournment

Motion by Mientkiewicz supported by Morris to adjourn at 7:53 p.m. Roll Call Vote: Ayes – Mientkiewicz, Morris, Zilka & Chandler. Nays – None. Motion Carried.

Donald Morris, Secretary
Zoning Board of Appeals