

**MINUTES OF THE CITY OF ROMULUS REGULAR MEETING OF THE
BOARD OF ZONING APPEALS HELD ON WEDNESDAY, JANUARY 6, 2010**

1. The meeting was called to order by Chairman Bussard at 7:00 p.m.
2. Roll Call Showing: Ken Mientkiewicz, Don Morris, Melvin Zilka,
 Sheldon Chandler, Dan Bussard
Also in attendance: Timothy Keyes, Economic Development Director
3. Motion by Zilka supported by Mientkiewicz to approve the agenda as presented. Roll Call Vote: Ayes – Zilka, Mientkiewicz, Morris, Chandler, Bussard. Nays – none. Motion Carried.

Agenda

1. Pledge of Allegiance
2. Roll Call
3. Approval of Agenda
4. Election of Officers
5. Approval of Minutes
 - A. Approval of the minutes of the regular meeting of the Board of Zoning Appeals held on November 4, 2009.
 - B. Approval of the minutes of the regular meeting of the Board of Zoning Appeals held on December 2, 2009.
6. Petitions
 - A. BZA-2009-013, KFC/Taco Bell, ROM Restaurant Inc., requesting two (2) variances from the City of Romulus Zoning Ordinance Article 14.00, Off Street Parking, for a proposed 3,143 square foot fast food restaurant with seating capacity for 62 patrons and drive-thru window as follows:
 1. A variance to allow 37 parking spaces. The Zoning Ordinance requires 40 parking spaces; therefore, a 3 parking space variance is required.
 2. A variance to allow 9 stacking spaces for the drive-thru window. The Zoning Ordinance requires 10 stacking spaces be provided for the drive-thru window; therefore, a 1 stacking space variance is required.The subject property is located on the east side of Merriman Road between Ecorse and Smith Roads. DP# 82-80-042-99-0071-701.
 - B. BZA-2009-014, City of Romulus Animal Shelter, The Tax Increment Finance Authority, requesting variances from the City of Romulus Zoning Ordinance to accommodate the proposed 5,844 square foot animal shelter as follows:

1. A variance from Section 8.04(b)(2) to allow parking in the required front yard setback. A 35-foot front yard setback is proposed. The Zoning Ordinance requires a 40-foot front yard setback; therefore, a 5-foot variance is required.
2. A variance from Section 8.04(b)(2) to allow a decrease in the uninterrupted landscape greenbelt area along Wayne Road. A 35-foot uninterrupted landscape greenbelt area is proposed. The Zoning Ordinance requires a 40-foot uninterrupted landscape greenbelt area; therefore, a 5-foot variance is required.
3. A variance from Section 8.04(b)(6)(c) to allow the use of 6-inch concrete curbing at the entrance drive. The Zoning Ordinance requires that 10-inch concrete curbing be used at the entrance drive; therefore, a variance is required.

The subject property is located on the west side of Wayne Road between Grant and Northline Roads. DP# 82-80-083-99-0005-702.

7. Old Business
 8. New Business
 9. Communications
 10. Discussion
 11. Adjournment
4. Election of Officers

Motion by Zilka supported by Mientkiewicz for the current officers to maintain their positions and continue to serve the Zoning Board of Appeals as follows: Chairperson – Mr. Dan Bussard, Vice-Chairperson – Mr. Sheldon Chandler and Secretary – Mr. Donald Morris. Roll Call Vote: Ayes – Zilka, Mientkiewicz, Chandler, Morris, Bussard. Nays – None. Motion Carried.

5. Approval of the Minutes

- A. Motion by Morris supported by Chandler to approve the minutes of the regular meeting of the Zoning Board of Appeals held on November 4, 2009. Roll Call Vote: Ayes – Morris, Chandler, Mientkiewicz, Zilka, Bussard. Nays – none. Motion Carried.
- B. Motion by Morris supported by Chandler to approve the minutes of the regular meeting of the Zoning Board of Appeals held on December 2, 2009. Roll Call Vote: Ayes – Morris, Chandler, Mientkiewicz, Zilka, Bussard. Nays – none. Motion Carried.

6. Petitions

- A. BZA-2009-013, KFC/Taco Bell, ROM Restaurant Inc., requesting two (2) variances from the City of Romulus Zoning Ordinance Article 14.00, Off Street Parking, for a proposed

3,143 square foot fast food restaurant with seating capacity for 62 patrons and drive-thru window as follows:

1. A variance to allow 37 parking spaces. The Zoning Ordinance requires 40 parking spaces; therefore, a 3 parking space variance is required.
2. A variance to allow 9 stacking spaces for the drive-thru window. The Zoning Ordinance requires 10 stacking spaces be provided for the drive-thru window; therefore, a 1 stacking space variance is required.

The subject property is located on the east side of Merriman Road between Ecorse and Smith Roads. DP# 82-80-042-99-0071-701.

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

Julie Allison, ROM Restaurant Inc., came forward to represent the petition.

- Ms. Allison stated that they are requesting two (2) variances, a one (1) stacking space variance to allow nine (9) stacking spaces for the drive-thru window instead of the required 10 spaces; and a three (3) parking space variance to allow 37 parking spaces instead of the required 40 parking spaces.

Chairman Bussard asked if anyone wished to speak on this matter. No one came forward. Chairman Bussard closed the public hearing and opened the meeting for comments by the Board as follows:

- Mr. Morris questioned the need for the variances.
- Ms. Allison stated because the site is relatively shallow the two (2) variances are necessary in order to accommodate the size and shape of the building.
- Mr. Keyes requested an explanation for the shared access drive and how it impacts the site.
- Ms. Allison stated that having the shared access drive will allow the potential to provide another restaurant on the site in the future.
- Ms. Allison commented that the City has done a fantastic job to ensure the building material is predominately brick in order to maintain the flow and consistency with the surrounding buildings in the area.
- Mr. Bussard questioned the number of vehicles that could be in the drive-thru line-up at one time.
- Ms. Allison stated the number of vehicles that could be in the drive-thru line-up at one time would depend on how busy it was and the time of day, but they do not anticipate any problems.
- Ms. Allison also stated that the McDonald's site was analyzed, adjacent to the proposed development, and there were no vehicle backup problems.
- Mr. Bussard commented that vehicles are backed up into the road every morning at the Tim Hortons Restaurant and he is concerned about having the same situation at the proposed development.
- Ms. Allison stated that the KFC/Taco Bell Restaurant peak traffic times will occur between the lunchtime hours of 11:00 am and 2:00 pm, which is a longer period of time and the customers would not be as rushed as the Tim Hortons customers are during the morning peak time.

- Mr. Chandler questioned if the layout of the restaurant would be similar to the other KFC/Taco Bell Restaurants in the area.
- Ms. Allison stated the inside layout of the restaurant would be similar to the KFC/Taco Bell Restaurant in Canton, but the outside appearance would be more upscale because of the brick material.
- Mr. Mientkiewicz questioned if the same curb cut would be used for future development on the site.
- Ms. Allison confirmed that the same curb cut would be used for future development on the site.
- Mr. Mientkiewicz questioned if any problems were anticipated by using the same curb cut for both developments.
- Ms. Allison stated that no problems were anticipated by using the same curb cut for both developments.
- Ms. Allison also stated that any future development would have to meet the requirements of the franchise business they are seeking, as well as, the City requirements.
- Mr. Mientkiewicz questioned if the curb cut may have to be widened in order to accommodate future development.
- Mr. Keyes stated that a review of the site plan by both the City Engineer and the Building Department found that the proposed curb cut would meet the requirements for the proposed development, as well as, for any future development on the site.
- Ms. Allison stated that during the process for the proposed development they also worked with the City to ensure that the criteria for any future development on the site would be met.
- Mr. Zilka questioned if approval would need to be obtained from the County to alter the curb cut.
- Ms. Allison confirmed that approval would need to be obtained from the County to alter the curb cut.
- Mr. Bussard questioned if new trees would be planted on the site to replace the existing trees being removed.
- Ms. Allison confirmed that new trees would be planted on the site to replace the existing trees being removed and stated that they have worked with the City to ensure that all of the landscaping requirements are met.
- Mr. Morris commented that periodic backups should not interfere with traffic because that section of Merriman Road has three (3) lanes.
- Mr. Keyes stated the intent of the proposal is to provide access management by reducing the number of curb cuts onto Merriman Road, which has created a hardship for the applicant by making the site smaller to develop because the setback for the building had to be increased to allow a shared drive.
- Mr. Keyes also stated that any excess stacking from vehicles turning off of Merriman Road would occur on the access drive and not onto Merriman Road.
- Mr. Bussard questioned if the vacant parcel to the north was the only remaining parcel to be developed in the area.

- Mr. Keyes stated that the vacant parcel to the north is the only remaining parcel to be developed in the area, which has the same owner as the subject property and is anticipated to be developed in the future.

Motion by Zilka supported by Morris to grant approval to BZA-2009-013, KFC/Taco Bell, ROM Restaurant Inc., a three (3) parking space variance to allow 37 parking spaces and a one (1) stacking space variance to allow nine (9) stacking spaces for the drive-thru window. The variances are granted based upon the Planning Director's memorandum dated December 15, 2009. The subject property is located on the east side of Merriman Road between Ecorse and Smith Roads. DP# 82-80-042-99-0071-701. Roll Call Vote: Ayes – Zilka, Morris, Chandler, Mientkiewicz, Bussard. Nays – None. Motion Carried.

- B. BZA-2009-014, City of Romulus Animal Shelter, The Tax Increment Finance Authority, requesting variances from the City of Romulus Zoning Ordinance to accommodate the proposed 5,844 square foot animal shelter as follows:
1. A variance from Section 8.04(b)(2) to allow parking in the required front yard setback. A 35-foot front yard setback is proposed. The Zoning Ordinance requires a 40-foot front yard setback; therefore, a 5-foot variance is required.
 2. A variance from Section 8.04(b)(2) to allow a decrease in the uninterrupted landscape greenbelt area along Wayne Road. A 35-foot uninterrupted landscape greenbelt area is proposed. The Zoning Ordinance requires a 40-foot uninterrupted landscape greenbelt area; therefore, a 5-foot variance is required.
 3. A variance from Section 8.04(b)(6)(c) to allow the use of 6-inch concrete curbing at the entrance drive. The Zoning Ordinance requires that 10-inch concrete curbing be used at the entrance drive; therefore, a variance is required.

The subject property is located on the west side of Wayne Road between Grant and Northline Roads. DP# 82-80-083-99-0005-702.

Timothy Keyes, City of Romulus Economic Development Director, came forward to represent the petition.

- Mr. Keyes displayed a rendering of the site plan for the animal shelter and stated the proposed building is approximately 5,800 square feet and is located on the property just north of the existing DPW Building.
- Mr. Keyes stated the existing site is approximately 6 acres that is bisected by a drain, which changes the developable portion of the property to approximately 1.5 acres.
- Mr. Keyes stated that the County requires a detention basin be provided on the site because of the total parcel size.
- Mr. Keyes stated the location of the detention basin causes the parking lot, as well as, the uninterrupted landscape greenbelt to be shifted closer to the road creating the need for the 5-foot variance in order to allow a 35-foot front yard setback instead of the required 40-foot front yard setback.
- Mr. Keyes stated that the two variances, as it relates to the 35-foot setback, are the same because if the parking lot is shifted closer to the road then the width of the landscape will also change accordingly.
- Mr. Keyes stated that because this is a municipal building and will never be used as an industrial site they believe the 10-inch curbing to be excessive, and therefore, are

requesting a variance to allow a 6-inch curb, which is consistent with the requirements for development in a commercial or residential district.

Chairman Bussard asked if anyone wished to speak on this matter. No one came forward. Chairman Bussard closed the public hearing and opened the meeting for comments by the Board as follows:

- Mr. Mientkiewicz questioned if a landscaped berm would be provided along the front of the site.
- Mr. Keyes confirmed that a landscaped berm would be provided along the front of the site.
- Mr. Mientkiewicz questioned the height of the landscaped berm.
- Mr. Keyes stated the landscaped berm would be 3 feet high as required by the Ordinance.

Motion by Chandler supported by Mientkiewicz to grant approval to BZA-2009-014, City of Romulus Animal Shelter, The Tax Increment Finance Authority, a 5-foot variance to permit a 35-foot front yard setback to allow parking in the required front yard setback and to allow a decrease in the uninterrupted landscape greenbelt area along Wayne Road; and a variance to allow the use of 6-inch concrete curbing at the entrance drive. The variances are granted based upon the Planning Director's memorandum dated December 10, 2009. The subject property is located on the west side of Wayne Road between Grant and Northline Roads. DP# 82-80-083-99-0005-702. Roll Call Vote: Ayes – Chandler, Mientkiewicz, Zilka, Morris, Bussard. Nays – None. Motion Carried.

7. Old Business – None.

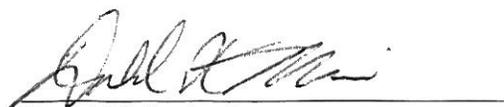
8. New Business – None.

9. Communications – None.

10. Discussion

11. Motion by Zilka supported by Chandler to adjourn the meeting at 7:27 p.m. Roll Call Vote: Ayes – Zilka, Chandler, Morris, Mientkiewicz, Bussard. Nays – none. Motion Carried.

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Donald Morris, Secretary
Zoning Board of Appeals