

**MINUTES OF THE CITY OF ROMULUS REGULAR MEETING OF THE
BOARD OF ZONING APPEALS HELD ON WEDNESDAY, MARCH 7, 2012.**

1. The meeting was called to order by Vice Chairman Chandler at 7:00 p.m.
2. Roll Call Showing: Melvin Zilka, Donald Morris, Kenneth Mientkiewicz, Emery Long and Sheldon Chanlder

Also in attendance: Carol Maise, City Planner, Robert McCraight, Building & Safety Director, Kevin Watts, City Attorney & Linda McNeil, Sr. Secretary
3. Motion by Zilka supported by Morris to approve the agenda as presented. Roll Call Vote: Ayes – Zilka, Morris, Long, Mientkiewicz, 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 special meeting of the Board of Zoning Appeals held on December 28, 2011 and the regular meeting of the Board of Zoning Appeals held on January 4, 2012.
5. Petitions
 - A. BZA-2012-001; Bright Star Sign on behalf of America's Best Value Inn, requesting a variance to *Sec. 29-7* to allow a 100-square foot electronic reader board (ERB) changeable message sign; a 30-square foot electronic reader board part of a permitted sign structure is permitted. A variance of 70 square feet is requested. The applicant is also requesting a variance to allow a full color electronic reader board of red, green and blue; the ordinance limits ERB signs to one of the following colors: red, orange, or yellow. Since the existing sign is nonconforming in terms of height and area, a variance in accordance with *Section 29-8.2.c.* is also needed to replace a nonconforming sign with another nonconforming sign.

The subject property is located at 7600 Merriman Road. DP# 82-80-037-99-0027-707
 - B. BZA-2012-002; Dollar General, requesting a variance to *Section 13.01(e) Building Appearance*, to allow replica brick and stone material to remain on the sides and rear

of the building. Brick and stone-panel siding was approved by the Planning Commission for all sides of the building. The replica brick and stone material on the front of the building will be replaced with pre-approved masonry-based material.

The subject property is located at 9480 Wayne Road. DP# 82-80-065-99-0012-701

- C. BZA-2011-006; Speedway Gas Station, requesting an amendment to BZA-2011-006, which was granted by the Board of Zoning Appeals on November 2, 2011 for a front yard building setback of 10.08 feet and a parking setback of 5 feet along Wickham Road. An amendment to the variance is being requested since 10 feet of the property along Wickham Road will be dedicated to the city for a sanitary sewer easement. The amended variance is for a 7.4-foot setback for the dumpster enclosure and 5-foot setback for the identification sign. A variance to allow 76.3% impervious surface coverage is also requested; up to 75% impervious surface coverage is allowed.

The subject property is located at 8450 Merriman Road. DP# 82-80-043-99-0003-000

6. Old Business
 7. New Business
 - A. Election of Officers
 - B. Rules of Procedure (table until next meeting)
 8. Communications
 - A. Minutes of the regular meeting of the Planning Commission held on January 18, 2012.
 9. Discussion
 10. Adjournment
4. Motion by Mientkiewicz supported by Long to approve the minutes of the special meeting of the Board of Zoning Appeals held on December 28, 2011 and the minutes of the regular meeting of the Board of Zoning Appeals held on January 4, 2012. Roll Call Vote: Ayes – Mientkiewicz, Long, Morris, Zilka, Chandler. Nays – None. Motion Carried.
 5. Petitions
 - A. BZA-2012-001; Bright Star Sign on behalf of America's Best Value Inn, requesting a variance to *Sec. 29-7* to allow a 100-square foot electronic reader board (ERB) changeable message sign; a 30-square foot electronic reader board part of a permitted

sign structure is permitted. A variance of 70 square feet is requested. The applicant is also requesting a variance to allow a full color electronic reader board of red, green and blue; the ordinance limits ERB signs to one of the following colors: red, orange, or yellow. Since the existing sign is nonconforming in terms of height and area, a variance in accordance with *Section 29-8.2.c.* is also needed to replace a nonconforming sign with another nonconforming sign.

The subject property is located at 7600 Merriman Road. DP# 82-80-037-99-0027-707

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

Linda Kaizer, Bright Star Sign and Amir Kuza, America's Best Value Inn came forward representing America's Best Value Inn.

- Ms. Kaizer stated that the proposed sign would be a 100 square foot, full color sign with eight (8) inch lettering. She went on to explain that the sign would not flash, scroll or have any type of animation and could be dimmed at night. She also stated that the full color was needed in order to display corporate logos and that America's Best Value Inn would be willing to display Amber Alerts and city messages.
- Mr. Kuza stated that America's Best Value Inn was in foreclosure when he purchased it and the business continues to struggle financially. He went on to say that they are doing whatever they can to help the business prosper and the sign will help the business a lot.

Chairman Chandler asked if anyone wished to speak on this matter. No one came forward.

- Mr. Mientikiewicz stated that the existing sign is non-conforming and questioned whether the applicant had received a variance from the Board of Zoning Appeals.
- Ms. Kaizer explained that the sign was existing when Mr. Kuza purchased the property from the bank.
- Ms. Maise explained that there is no record of the variance in the Building Department's system and she indicated that it may have been in a file that was destroyed in the old record's house. She went on to say that the existing sign is clearly nonconforming, and substituting a nonconforming sign with another nonconforming sign is not permitted since the criteria for a variance has not be met.
- Mr. Chandler questioned whether the applicant would have to get a variance for the existing sign if the variance was not granted for the proposed sign.
- Ms. Maise answered that the applicant would not need a variance because the sign is existing and non-conforming. She went on to say that he would only need a variance when he proposed to make changes to the existing sign.
- Mr. Morris stated that we cannot hold the applicant responsible for something the previous owner did and went on to say that we need to do whatever we can to help make this business successful. He continued by saying that the Board of Zoning

Appeals needs to help the applicant find a way to make the proposed sign work in a way that makes everyone happy.

- Ms. Maise stated that the existing sign is nonconforming in both height and overall area, so one option is to ask the applicant if he is willing to bring the existing sign into compliance. She also stated that if the Board of Zoning Appeals wants to be able to approve bigger signs, then that needs to be addressed in the Sign Ordinance.
- Mr. Kuza stated that the American Best Value Inn is the last hotel on the strip coming out of the airport and that their sign is hard to see. He finished by saying the request is simply to replace the existing letter board with an electronic reader board.
- Mr. Morris stated that the question is whether the applicant is willing to do a smaller reader board that is one color that does not scroll or flash.
- Ms. Kaizer stated that the text would be one color at a time and would not scroll or flash. She finished by saying the applicant wants to be able to display corporate logos in the right colors.
- Mr. Chandler questioned whether the existing sign is illuminated.
- Mr. Kuza stated that the interior of the letter board is illuminated.
- Ms. Kaizer stated that the proposed electronic reader board sign is smaller than the existing changeable letter board.
- Mr. Mientkiewicz questioned whether the top of the America's Best Value Inn is going to remain the same.
- Ms. Kaizer stated yes.
- Mr. Mientkiewicz questioned whether Ms. Kaizer had received from the Building Department what would be allowed in regards to colors for the electronic reader board sign when she applied for the sign permit. He went on to specifically ask whether she was told that only one color was allowed.
- Ms. Kaizer answered yes.
- Mr. Mientkiewicz stated that on the application it requests full colors of red, green and blue.
- Mr. Kaizer answered that the electronic reader board could be programmed to illuminate just one color at a time.
- Mr. Mientkiewicz questioned whether on one given day if you could have the lettering all red.
- Mr. Kaizer answered yes.
- Ms. Maise stated that if all lettering was the same color, it would eliminate the need for the variance for multiple colors.
- Ms. Kaizer responded yes, but went on to say that the applicant is requesting the full color for the display of corporate logos.
- Ms. Maise noted to the board members that they would then need the variance for full color.
- Mr. Chandler stated that when he drove to the site on Merriman Road the sign was hard to see with the obstruction of the trees.
- Mr. Morris questioned what the total square footage allowed on the sign would be.

- Ms. Maise answered that the sign could be 64 square feet per side, which would be a total of 128 square feet. She went on to explain that of the 128 total square feet, 30 square feet of that could be used for the electronic reader board.
- Ms. Morris questioned if the proposed sign was 50 square feet total.
- Ms. Maise answered no, that the proposed sign was 100 square feet in total, 50 square feet per side. She went on to explain that the ordinance allows 15 square feet per side for an ERB and the applicant is asking for 50 square feet per side, which is quite a big increase from what the ordinance allows. It is however, in proportion to the existing sign, which is why it is going to be hard to make the proposed sign conforming to the existing nonconforming sign.
- Mr. Morris stated that the applicant's only option then is to leave the existing sign up until it falls down or put up a new sign that complies with the requirements which would not be too inexpensive.
- Ms. Maise stated that they could reduce the size of the proposed sign to be more compliant. She went on to state that financial hardship cannot be used as a reason to grant the variance.
- Mr. Morris stated that he understands that, but in order to have a successful Romulus, we have to have successful people in it.
- Ms. Maise stated that the standards of the Sign Ordinance need to be addressed with the Planning Commission in regards to the sign sizes and how they got to where they are. She went on to say that she needs to understand why they are so much smaller than what's out there and what the Planning Commission's future desires are.
- Mr. Zilka questioned the applicant as to whether he owned the property where the trees are that are obstructing the existing sign.
- Mr. Kuza answered that he did not own all of it. He went on to say that he only owned the property where the first four trees are located, the rest was owned by the owner of the strip mall.
- Mr. Mientkiewicz asked the applicant if he planned on painting the existing sign.
- Mr. Kuza answered yes, that they intend to paint the poles.
- Mr. Mientkiewicz questioned whether the applicant knew what color they planned on painting them.
- Mr. Kuza answered that they would either be painted black or a very dark blue.
- Mr. Chandler questioned whether the existing sign rotates.
- Mr. Kuza answered no.
- Mr. Chandler questioned what type of material was covering the existing sign.
- Mr. Kuza answered that the existing sign was covered with a vinyl/banner type material.
- Mr. Chandler questioned the applicant as to what he intended to do if they did not receive the variance.
- Mr. Kuza stated that he would leave the existing sign as it is.
- Mr. Morris asked Ms. Maise if they could come up with a plan that would make the proposed sign compliant with the ordinance.

- Ms. Maise answered yes, as long as the applicant was willing to do that.
- Mr. Morris questioned the applicant as to whether he was willing to meet with Ms. Maise to come up with a plan to make the proposed sign compliant with the ordinance.
- Mr. Kuza answered by saying that he was willing to meet with Ms. Maise in regards to the proposed sign.
- Mr. Chandler questioned whether the top of the America's Best Value Inn sign could be removed and replaced at a higher elevation with the proposed electronic reader board sign.
- Mr. Kuza answered by saying that he did not believe that would be visible enough from the road.
- Mr. Chandler stated that there are other businesses in that area that have just the electronic reader board signs.
- Ms. Kaizer stated that she did not believe that America's Best Value Inn's corporate office would allow just the electronic reader board sign. She finished by saying that the electronic reader board sign is smaller than the changeable copy sign that they have currently.
- Ms. Maise stated that the criteria of the ordinance for a variance needs to be met, and a finding of practical difficulty must be made. There are several other signs in the area that are in compliance with the requirements and all properties must be treated fairly.
- Mr. Morris stated that the Board of Zoning Appeals needs to be consistent, and that if they have previously approved an electronic reader board similar in size in this area then they need to be consistent with previous decisions.
- Mr. Kuza stated that the Clarion further down Merriman Road has what looks like a bigger sign and they also have the electronic reader board that is the same size as what we would like to have.
- Mr. Mientkiewicz questioned whether the petitioner should to talk to their corporate office and see what adjustments they would allow to the sign.
- Ms. Maise agreed that we can work with the applicant to try and resolve the issue.

Motion by Morris supported by Zilka to table BZA-2012-001 to allow the petitioner time to work with the Planning Department to come up with a sign that is more in compliance with the Ordinance.

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

- B. BZA-2012-002; Dollar General, requesting a variance to *Section 13.01(e) Building Appearance*, to allow replica brick and stone material to remain on the sides and rear of the building. Brick and stone panel siding was approved by the Planning Commission for all sides of the building. The replica brick and stone material on the front of the building will be replaced with pre-approved masonry-based material.

The subject property is located at 9480 Wayne Road. DP# 82-80-065-99-0012-701

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

- Scott Knowlton, Attorney for Westwind Construction came forward and stated that the petitioner is requesting that they be allowed to replace the stone material on the front lower half of the building with a pre-approved masonry type of material and that they are also requesting to leave the replica brick on the front top half and remainder of the building.
- Mr. Knowlton went on to say that approximately a week before the planned opening of the store, the petitioner was contacted by the Building Department and told that the building materials were not in compliance with the ordinance. He went on to say that the petitioner received unanimous approval from the Planning Commission on a site plan that stated brick and stone panel siding. He continued by saying that the sample of the building material was presented at the Planning Commission meeting where it was placed in front of and touched by the Commissioners. He also stated that the material presented at that Planning Commission meeting is what is on the building presently with admittedly some difference in color.
- Mr. Knowlton continued by saying that the brick panel siding that is referenced on the site plan and what is currently on the building is commonly referred in the building industry as brick panel siding and that it is unfortunate that there is a difference in the interpretation. He also stated that when the petitioner originally met with the City of Romulus it was mentioned that masonry products do not really fit for a Dollar General store and it was suggested that the petitioner find alternatives. Mr. Knowlton continued by saying that the alternatives are what are currently on the existing structure and fully acknowledged that economic hardship is not a consideration. He continued by saying that with the stone on the front lower half of the building replaced, the replica brick painted to match the original sample and with considerable landscaping along the side of the building that faces the High School, he does not believe the existing structure to be detrimental to the adjacent properties.
- Mr. Knowlton stated that he does not believe, if the variance is granted, that it would impair the purpose of the Ordinance. He continued by saying that the Ordinance references the use of alternative materials. He went on to say that the Ordinance references brick and the product used is a replica brick. He also stated that he believes the need for the variance is not the fault of the petitioner and he requested that the Board of Zoning Appeals make a two part motion; one part

allowing the stone material on the lower front half of the building to be replaced with a masonry type material that is pre-approved by the Building Department. The second part of the motion being that the replica brick on the remainder of the building be allowed to remain and painted the brown color that was previously approved by the Planning Commission.

- Mr. Chandler read into the record a letter from Planning Commissioner David Paul recommending denial of the petitioner's request due to the fact that it would adversely affect the adjacent properties and any future development in the City of Romulus.

Chairperson Chandler opened the meeting for discussion and comments from the public.

- Mr. Leroy Burcroff, Planning Commissioner, came forward and stated that he was aware of the project coming into the City of Romulus and realized after a site visit that the building material was plastic and not as he expected. He went on to say that he requested and reviewed a copy of the site plan which references the building materials as brick, metal, wood and stone with no mention of plastic. He stated that what is currently on the existing building is plastic. Mr. Burcroff continued by saying that in his experience wood should be wood, stone should be stone and brick should be brick. He stated that his concern is that it is not going to wear, the appearance is not the same and it is not what was proposed on the approved site plan. Mr. Burcroff noted that he was present at that Planning Commission meeting and has since watched a copy of the meeting to refresh his memory as to what exactly was presented and approved at that meeting. Mr. Burcroff explained that the representative for the petitioner that was present at that meeting stated that he was not an architect and did not know much about the samples, and that the sample presented at that meeting was not what was being used but that he would pass it around. Mr. Burcroff finished by stating that he believes that the petitioner should be held to the approved site plan and that he does not want to make any hardship on any of our businesses but he is very proud of our community and we need to stay consistent with what was approved on the site plan, which was brick on all sides.
- Ms. Lemmon, a lifetime resident of Romulus, stated that she has sympathy for the petitioner but that she has dreams that someday Wayne Road will have lots of shopping. She went on to say that if you grant this petitioner's variance to have plastic, then the next petitioner will want plastic and the next thing you know it will look like Eight Mile Road.
- Mr. Malinowski, Westwind Construction, came forward and stated that he wanted to address Mr. Burcroff's statement. Mr. Malinowski continued by saying that he

never stated at the Planning Commission meeting that the sample presented was not what was to be used on the proposed building. And he continued by saying that on two separate occasions the sample was presented to the City of Romulus as a true representation of what was going to be used.

- Ms. Virginia Williams came forward and requested that the Board of Zoning Appeals stick to what was approved by the Planning Commission so that the citizens of Romulus do not have to deal with an eye sore.
- Mr. Mientkiewicz questioned whether the petitioner had taken a look at the Family Dollar store further down Wayne Road.
- Mr. Malinowski, speaking on behalf of Dollar General, answered that he had not and that he was not aware if whether or not the owner of Dollar General had. He went on to say that Dollar General, in good faith, from start to finish, presented to the City Planner, the Planning Commission and the Building Department what we proposing for this building.
- Ms. Maise stated that at the initial ARC meeting in late July it was mentioned that brick panel siding, rather than true brick would be utilized. She said she was led to believe that it was a half brick on a panel rather than the full sized brick. She also went on to say that she never touched the sample board as stated previously.
- Mr. Morris started by saying that he has served previously on the Planning Commission and that the ordinance requires that the exterior of any new building must be brick. And he went on to say that any change would require Planning Commission approval or a variance from the Board of Zoning Appeals. He finished by saying that he agreed with Mr. Burcroff when he stated that stone is stone and brick is brick and that is what the ordinance calls for.
- Mr. Knowlton stated that Dollar General did not lead anyone to believe that the proposed building was going to be half brick. And he went on to say that the samples were presented twice, and that it is unfortunate, but in the building industry these samples are referred to as brick panel siding. Mr. Knowlton finished by asking the Board of Zoning Appeals to stick to the plan that was presented.
- Mr. Chandler stated that he also served on the Planning Commission and he remembers that any time that the plans referred to brick it meant brick. And he finished by saying that he does not recall there ever being a request for a variance for this type of material.
- Mr. Knowlton stated that this is a newer material that has not been available in the past. And went on to say that technology is such that this is a state-of-the-art fully functional replica brick made of recycled material that is the wave of the future.
- Mr. Openheisen, Architect for Dollar General, stated that if you read the plans, right after the word "brick" are the words "panel siding". He continued by saying that if

the petitioner was going to use a brick like you have here in the chambers that would have been called out as a “face brick” or “brick veneer”. And he finished by saying that as the architect, he tried to define on the plans that this was a different version of “brick”.

- Mr. Long asked to touch the sample.
- Ms. Maise stated that she believes where some of the confusion may have been for the Planning Commissioners is that the sample states “Hand Laid Brick”.
- Mr. Long noted that even though it states “Hand Laid Brick” on the sample, the Board would think that the sample was for illustration purposes only.
- Mr. Kevin Watts, Attorney for City of Romulus, stated that the City of Romulus has adopted a new ordinance within the last year and none of the sections we’re referring to this evening contemplate the use of anything but masonry based materials. He went on to say that had they wanted to they would have included replica brick or vinyl products in the new ordinance. He finished by saying that the problem we’re facing here this evening is not due to the fact that there is a panel or siding because there are brick products that are available as a siding, and that would have been acceptable.
- Mr. Chandler stated that is where he believes some of the misunderstanding came from. He went on to say that he is familiar with the panels that are available with half or three quarter brick.
- Mr. Robert McCraight, Building & Safety Director, stated that he wanted to address the term “industry standard” that has been referred to this evening. He stated that the Michigan Building Code is the industry standard. And the Michigan Building Code is very specific about what it defines as a masonry brick, which is a sand or silicate based product. He finished by saying that it is also very specific about what it calls a PVC or vinyl siding, which is exactly what this material is.
- Mr. Michael Prybyla, Planning Commissioner, stated that when Planning Commission approves a site plan there are typically conditions that come with the approval. He went on to say that he does recall Dollar General receiving approval to change the exterior to a vinyl siding. Mr. Prybyla questioned what Mr. Zilka recalled of the Dollar General project coming before the Planning Commission.
- Mr. Zilka stated that he recalls that brick or stone was what was approved by the Planning Commission. Mr. Zilka went on to question what the applicants define as brick.
- Mr. Knowlton answered that brick in and of itself is a masonry based material.
- Mr. Zilka stated that brick was what was discussed at the Planning Commission meeting.
- Mr. Knowlton pointed to the sample and stated that it was brick panel siding.

- Mr. Zilka pointed to the sample and stated that it is not brick or stone. He went on to say that he would call it vinyl siding.
- Mr. Knowlton stated that it is unfortunate that we are in this situation, and he went on to question whether ultimately all the responsibility has to fall on the applicant.
- Mr. Zilka stated to Mr. Knowlton that he has to understand that Dollar General is not the only applicant to come before the Planning Commission and Board of Zoning Appeals. He went on to say that if the Board of Zoning Appeals grants Dollar General this variance then other applicants will try and get away with it also.
- Mr. Knowlton answered that Dollar General is not trying to get away with anything.
- Mr. Zilka stated “yes you are”. He went on to say that Dollar General is trying to get away with leaving the vinyl siding on their building.
- Mr. Knowlton stated that Dollar General had unanimous approval to put the vinyl siding on the building.
- Mr. Zilka stated that Dollar General had approval for brick and stone panel siding and that is not what is currently on the building.
- Mr. Knowlton stated that he respectfully disagreed with Mr. Zilka.
- Mr. Zilka stated that he was sorry but he disagreed with Mr. Knowlton. Mr. Zilka continued by stating to the Board of Zoning Appeals members that he believes they have no choice but to deny the applicant’s request for a variance based on what was approved at the Planning Commission meeting. He went on to say that the Planning Commission approved brick and stone siding not the vinyl siding that was presented here this evening.
- Mr. Mientkiewicz stated that he has visited the site twice and there is no sign of brick, masonry or mortar. He went on to say that he actually pushed on the panel and was amazed at how much give it had to it. He finished by saying that if it was brick it would have been solid with no give to it.
- Mr. Chandler questioned the petitioner as to how long this vinyl product has been on the market.
- Mr. Olenheisen answered that it has been on the market five or six years.
- Mr. Chandler questioned whether it has been used anywhere in the area.
- Mr. Olenheisen answered that he did not know.
- Mr. McCraight stated that he had several phone calls from residents with concerns. He went on to say that after personally reviewing the plans that were submitted to the Building Department for permit, he was able to assure the residents that the proposed building was going to be brick and stone. He continued by saying that had he been aware that the applicant intended to use a vinyl or PVC based product he would have been able to address this issue long before the proposed opening of the store.

Motion by Zilka supported by Morris to deny BZA-2012-002 for Dollar General located at 9480 Wayne Road since no “practical difficulty” can be found. Roll Call Vote: Ayes – Zilka, Morris, Mientkiewicz, Long & Chandler. Nays: - None. Motion Carried.

C. BZA-2011-006; Speedway Gas Station, requesting an amendment to BZA-2011-006, which was granted by the Board of Zoning Appeals on November 2, 2011 for a front yard building setback of 10.08 feet and a parking setback of 5 feet along Wickham Road. An amendment to the variance is being requested since 10 feet of the property along Wickham Road will be dedicated to the city for a sanitary sewer easement. The amended variance is for a 7.4-foot setback for the dumpster enclosure and 5-foot setback for the identification sign. A variance to allow 76.3% impervious surface coverage is also requested; up to 75% impervious surface coverage is allowed.

The subject property is located at 8450 Merriman Road. DP# 82-80-043-99-0003-000

- Mr. Brian Lance came forward and stated Speedway is really close to getting their project going and are very excited about it. He continued by saying that during the engineering review the City of Romulus has requested that Speedway grant over an existing ten foot sanitary sewer easement on Wickham Road. He went on to say that by granting the easement to the City of Romulus, the three variance requests before you tonight have been created. He finished by saying that Speedway is in agreement to granting the easement as long as they are able to work through these variance requests before you this evening.
- Mr. Morris asked for an explanation of impervious.
- Mr. Lance answered by saying that the ordinance states that you can have a maximum of 75% of impervious ground cover. He continued by explaining that impervious ground cover is such things as parking lot, asphalt, curbs and things of that nature. He went on to say that by granting the easement Speedway decreased their green space by 1.3% because a chunk of the ten foot dedication is greenbelt.

Chairperson Chandler asked if anyone would like to speak on this matter. No one came forward.

- Mr. Mientkiewicz questioned where the new station would be located on the site.
- Mr. Lance answered that Speedway is acquiring half an acre from the Clarion Hotel and that the new station would touch the existing rear property line.
- Mr. Mientkiewicz questioned whether the pumps will be located in front of the building.
- Mr. Lance answered yes.

- Mr. Chandler questioned when Speedway would be starting their project.
- Mr. Lance answered very soon. He went on to say that Clarion has site plan approval with some administrative work and as soon as that happens Speedway can close on the property and we can get started soon after.
- Mr. Chandler questioned how long the project would take.
- Mr. Lance answered that he has a commitment of 85 days from start to finish.
- Mr. Morris questioned whether Mr. Lance built the Speedway station at Michigan Avenue and Harris in Ypsilanti Township.
- Mr. Lance answered no.
- Mr. Chandler stated that it's a good project and he's looking forward to its completion.
- Ms. Maise stated that Mr. Lance brought a sample of the brick that they are using if the Board would like to see it.

Motion by Morris supported by Mientkiewicz to approve BZA-2011-006, Speedway Gas Station located at 8450 Merriman Road to allow a 7.4-foot front setback for the dumpster enclosure, 5-foot setback for the sign, and 76.3% impervious coverage based on a finding of practical difficulty as determined during the previous review of the request. The requested amendments are consistent with the variances granted and have resulted from the city's desire to have the applicant donate 10 feet of property for sanitary sewer.

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

6. Old Business - None

7. New Business

- Mr. Chandler stated that Chairman Dan Bussard resigned, and the Election of Officers was postponed at the January meeting since Mr. Long was not present. He finished by saying that we need to have that election of officers this evening.

Motion by Zilka supported by Morris to nominate Mr. Chandler as the Chairperson, Mr. Mientkiewicz for Vice Chairperson and Mr. Morris as Secretary. Roll Call Vote: Ayes – Zilka, Morris, Mientkiewicz, Long & Chandler. Nays – None. Motion Carried.

Motion by Zilka supported by Long to table the Rules of Procedure until the next meeting of the Board of Zoning Appeals. Ayes – Zilka, Long, Morris, Mientkiewicz & Chandler. Nays – None. Motion Carried.

8. Communications

A. Minutes of the regular meeting of the Planning Commission held on January 18, 2012.

9. Discussion

- Ms. Maise stated that there could possibly be a Board of Appeals meeting in April. She went on to report that there has been a petition filed by Environmental Quality for a use variance to expand the railroad tracks from their property to the adjacent property for a new operation that they are bringing to their site. She continued by saying that the city is currently working with their attorney and the city's environmental attorney to determine what the correct process is in regards to the use variance and whether this is perhaps a conditional rezoning that requires a public hearing. She finished by saying that we will let you all know as soon as possible.
- Mr. Zilka questioned whether there was a steel company developing near the Lear Seating site.
- Ms. Maise answered that nothing has been officially submitted.

Motion by Mientkiewicz supported by Long to adjourn at 8:?? p.m.. Ayes – Mientkiewicz, Long, Zilka, Morris & Chandler. Nays – None. Motion Carried.

10. Adjournment

Motion by Mientkiewicz supported by Long to adjourn at 8:20 p.m.. Ayes – Mientkiewicz, Long, Zilka, Morris & Chandler. Nays – None. Motion Carried.



Donald Morris, Secretary
Zoning Board of Appeals