

**MINUTES OF THE CITY OF ROMULUS REGULAR MEETING OF THE
BOARD OF ZONING APPEALS HELD ON WEDNESDAY, JUNE 6, 2012**

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

Also in attendance: Carol Maise, City Planner, Linda McNeil, Sr. Secretary
3. Motion by Allison supported by Mientkiewicz to amend the agenda to move item 6A to 5A.
Roll Call Vote: Ayes – Allison, 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 regular meeting of the Board of Zoning Appeals held on May 2, 2012.
5. Petitions
 - A. BZA-2012-005; Lee Steel, requesting two (2) variances as follows:
 1. Front Yard Setback. A variance to Section 8.04(b)(1)(2) is requested to allow a front yard setback of less than 75 feet for driveway, loading and circulation areas. The subject property is located on Eureka Road. DP# 82-80-116-99-0001-704.
 2. Natural Features Setback. A variance to Section 8.04(b)(7) is requested to allow a reduction in the 25-foot natural features setback for regulated wetlands throughout the site. The subject property is located on Eureka Road. DP# 82-80-116-99-0001-704.
 - B. BZA-2012-007; Romulus Village, requesting a variance as follows:
 1. Parking Lot Setback Variance. A variance to Section 7.04(b)(6) is requested to allow portions of the parking lot to encroach within the required 15 foot front parking setback. The subject site is located at 39325 Ecorse Road.

DP# 82-80-026-99-0016-000, 82-80-026-99-0017-000, 82-80-026-99-0018-000, 82-80-026-99-0019-000 and 82-80-026-99-0021-000.

6. Old Business

A. BZA-2012-004; Lee Steel, requesting a variance as follows:

1. Building Material Variance. A variance to Section 13.01(f) is requested to allow the use of pre-finished, premium, vertical-board metal siding for the construction of a 199,785-square foot industrial building for Lee Steel. The ordinance requires that industrial buildings contain at least 50% brick, face brick, cast stone or C-brick on elevations facing a street; split face block or tilt-up panels may be substituted for the masonry required if greenbelt landscaping is increased by 50%. A variance is necessary for the elevations facing I-275. The subject site is located on Eureka Road. DP# 82-80-116-99-0001-704. (Tabled on 5/2/2012)

B. BZA-2012-003; RTF Romulus LLC (EQ), requesting to withdraw a variance as follows:

1. Use Variance – RTF Romulus, LLC had requested a use variance that would permit the installation of railroad tracks for the parking and transport of rail cars and the connection of the railroad track to the presently existing tracks on an adjacent parcel. The subject site is located at 36345 Van Born Road. DP# 82-80-017-02-0009-300, 82-80-017-99-0022-000, 82-80-017-02-0011-000, 82-80-017-02-0013-300, 82-80-017-02-0022-300 and 82-80-017-02-0039-300.

7. New Business

8. Communications

9. Discussion

10. Adjournment

4. Motion by Mientkiewicz supported Allison to approve the minutes of the regular meeting of the Board of Zoning Appeals held on May 2, 2012. Roll Call Vote: Ayes – Mientkiewicz, Allison & Chandler. Nays – None. Motion Carried.

Motion by Allison supported by Mientkiewicz to remove BZA-2012-004 from the table. Roll Call Vote: Ayes - Allison, Mientkiewicz & Chandler. Naves – None. Motion Carried.

5. Petitions

A. BZA-2012-004; Lee Steel, requesting a variance as follows:

1. Building Material Variance. A variance to Section 13.01(f) is requested to allow the use of pre-finished, premium, vertical-board metal siding for the construction of a 199,785-square foot industrial building for Lee Steel. The ordinance requires that industrial buildings contain at least 50% brick, face brick, cast stone or C-brick on elevations facing a street; split face block or tilt-up panels may be substituted for the masonry required if greenbelt landscaping is increased by 50%. A variance is necessary for the elevations facing I-275. The subject site is located on Eureka Road. DP# 82-80-116-99-0001-704. (Tabled on 5/2/2012)

B. BZA-2012-005; Lee Steel, requesting two (2) variances as follows:

1. Front Yard Setback. A variance to Section 8.04(b)(1)(2) is requested to allow a front yard setback of less than 75 feet for driveway, loading and circulation areas. The subject property is located on Eureka Road. DP# 82-80-116-99-0001-704.
2. Natural Features Setback. A variance to Section 8.04(b)(7) is requested to allow a reduction in the 25-foot natural features setback for regulated wetlands throughout the site. The subject property is located on Eureka Road. DP# 82-80-116-99-0001-704.

Devan Anderson, Steven C. Flum Inc., Architect; Zack Taylor, Lee Steel; and Dominic Maltese, Maltese Construction came forward representing the petitioner.

- Mr. Anderson stated that there are various site difficulties that arise from the standards that must be addressed including city zoning requirements, FAA regulations, the program of a steel manufacturer, the woodlands and wetlands regulations, Wayne County regulations, and CSX regulations. He continued by saying that all these regulations put together make the development of this site difficult. He went on to say that the neighborhood, although prime real estate due to the location of the interstate and the railroad, is mostly undeveloped, and what is developed is for sale.
- Mr Anderson noted that the owner went to great strides to locate property in Wayne County that would meet his needs. Although the property is 30 acres, it took great effort to make the project fit on this site due to the variety of regulations. He said that no other layout alternatives would work. When the petitioner first started working with the City Planner he wanted to set the building back 300 feet to avoid the building material restrictions. He further stated that it was never the petitioner's intention for half of the building to face I-275, but in order to meet all the regulations, they were forced to place the proposed building where it is currently located.
- Mr. Anderson commented that due to the height of the berm, shrubs have been eliminated, and that money has been added back into the landscaping for the six-foot high berm completely covered with trees. They have a very heavily wooded site

between the proposed building and I-275 and the landscaping provided is the maximum that is feasible per the landscape architect, with no ability to add any more. He went on to say that after the project is complete, and before the Certificate of Occupancy is issued, the City Planner and Building Director will determine if any further landscaping is needed.

- Mr. Anderson stated that it is not a primary interest of the petitioner to have visibility from I-275 and while they would not mind having visibility from I-275, in order to make this project feasible and to make it move forward, it is a sacrifice he is willing to make. He noted that if this business wants to be located in Wayne County they are pretty much limited to this particular site.
- Mr. Anderson said that the heavily wooded site, the preservation of the wetlands, the level of landscaping provided along the service drive and the speed of the traffic traveling along I-275 will prevent this building from being seen at all. He noted that with the distractions of freeway drivers and the speed at which people are traveling, the people headed south on I-275 will be approximately 550 feet away from the proposed building and that everyone headed north on I-275 will drive by a completely forested parcel and they would have to crane their neck to look back and see the building through the proposed landscaped berm. He finished by saying that the visibility of the site will be extremely limited, adding the fact that the site is approximately 550 feet from Eureka Road.
- Mr. Anderson told the Board that safety is also an issue in regards to the masonry walls and that within the last decade Lee Steel has had a coil cut loose during the fabrication process. If a coil cuts loose and hits a 20 foot high masonry wall, it will be of greater hazard to the workers in the plant. The owner is in the steel business and wants to promote his own product and has a interest in good design and he has been featured on the cover of Crain's Magazine for this month. He further stated that a lot of the products used for this building, including metal, steel and glass are made in Michigan, putting local Michiganders to work and that brick is not a solely Michigan-made material.
- Mr. Anderson stated that the petitioner is willing to work with the Board to reach a compromise and that the code requirement for a 50/50 relationship between the height of the masonry and the height of the other material is not always pleasing to the eye. The owner prefers to see more of a 1/3 to 2/3's look and they took that into consideration with the placement of the windows and such. Mr. Anderson provided pictures of a tilt-up concrete panel and a tilt-up textured metal panel to the Board members. He then presented them with the proposed panel so that they could feel the weight and see the texture. The petitioner believes that the textured panel looks nice and looks just like a concrete panel once it's painted and it will provide good vertical rhythm.
- Mr. Chandler questioned whether the panels were 16 feet wide.
- Mr. Maltese answered that the panels were 16 inches wide and 10 feet high.
- Mr. Chandler stated that this project was tabled at the previous meeting in order to give the petitioner time to come up with some alterative ideas in regards to building materials. He finished by questioning whether the petitioner has done that.

- Mr. Anderson stated that it was the petitioner's understanding that they simply needed to provide clarification due to the fact that the petitioner provided the Board with a lot of information at the previous meeting. He went on to say that Ms. Maise also wanted the Building Director to review the proposed building materials, along with the Planning Commission.
- Ms. Maise questioned what color the proposed panels were going to be.
- Mr. Anderson answered that the panels would be white with the lower portion of the building being charcoal and the corporate logo is green.

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.

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

- Ms. Allison stated that the building looks very nice and questioned whether the administration had any concerns with regards to the proposed building materials.
- Ms. Maise stated that the Building Director did not have any concerns with the proposed building materials and thought they were structurally sound. She noted that as seen from the Planning Commission minutes, they are comfortable with the mitigation and that if there are issues with the view of the building, more landscaping is required. She continued by saying that she had requested the petitioner provide actual photographs of the proposed material for the Board of Zoning Board to see. She added that the difference between the photographs provided this evening and the proposed material would be texture and the width.
- Mr. Chandler questioned whether any of the coils of steel are brought in by truck.
- Mr. Taylor answered yes.
- Mr. Chandler stated the Planning Commission had concerns with the lack of driveway curbs and the damage that may be caused should a truck go off the driveway.
- Mr. Taylor pointed out that the existing easement through the Lear site has no curbs and is just simply gravel along each side of the driveway. He is proposing to carry through with the same concept with the Lee Steel site and if a truck hits and goes over the curbing it will only break it down and create a nightmare for maintenance. He finished by questioning the requirement for curbs when there are no curbs leading to the Lee Steel site including the I-275 corridor.
- Mr. Chandler questioned the safety issue in regards to a coil coming loose.
- Mr. Taylor explained that each coil is required to be contained and chained in a wood cradle for safety purposes. Should one of the wooden cradles hit the masonry wall, for whatever reason, the wall will come down and possibly injure or kill a worker. He finished by saying that with this new product, should a coil hit it, all they have to do is replace the panel.

- Mr. Mientkiewicz questioned, from reading the Planning Commission minutes, the railroad crossing and which direction would rail traffic come from.
- Mr. Taylor answered that the tracks would only be coming from the south per CSX requirements. Not only is Lee Steel installing railroad tracks leading up to their building but they are also installing railroad tracks the whole length of their building, which will hold four times the quantity that Lee Steel requires. He finished by stating that he has gone to great expense to make sure that if a train is blocking the crossing at Eureka Road, it is not because of Lee Steel.
- Mr. Anderson also stated that all the cars delivered to Lee Steel will fit between the building and Eureka Road so as to not obstruct the railroad crossing. Since the railroad crossing is sometimes blocked due to the delivery of numerous cars to the delivery yard.
- Mr. Taylor stated that five cars is the most they will have delivered at a time and that 18 cars will fit between the building and Eureka Road.
- Mr. Chandler questioned how long the delivery of the cars takes.
- Mr. Taylor answered that he is not a rail expert but it can't be very long.
- Mr. Chandler questioned how Lee Steel maneuvers the rail cars around on site.
- Mr. Taylor answered that Lee Steel has their own tugger and switcher on site.
- Ms. Maise stated that one of the conditions of Planning Commission approval is that, if there is an issue in the future, Lee Steel will work with CSX to get it resolved and that the city engineer is comfortable that there is not going to be an issue in contributing to the problem that is already existing.
- Mr. Mientkiewicz stated that it is his understanding that CSX is not willing to put in an overpass to relieve that traffic issues at the crossing and that this is just an issue that we are going to have to live with.

Motion by Allison supported by Mientkiewicz to approve the building material variance for BZA-2012-004 for Lee Steel. Roll Call Vote; Ayes – Allison, Mientkiewicz & Chandler. Nays – None. Motion Carried

Motion by Mientkiewicz supported by Allison to approve the front yard setback variance and natural features setback variance for BZA-2012-005 for Lee Steel subject to approval of the site plan including the condition that if upon a site inspection by the City and applicant after the building is constructed, it is determined that more screening from I-275 is needed, additional plantings will be provided as determined through an administrative review of a revised landscape plan. Roll Call Vote: Ayes – Mientkiewicz, Allison & Chandler. Nays – None. Motion Carried.

C. BZA-2012-007; Romulus Village, requesting a variance as follows:

Parking Lot Setback Variance. A variance to Section 7.04(b)(6) is requested to allow portions of the parking lot to encroach within the required 15 foot front parking setback. The subject site is located at 39325 Ecorse Road. DP# 82-80-026-99-0016-

000, 82-80-026-99-0017-000, 82-80-026-99-0018-000, 82-80-026-99-0019-000 and 82-80-026-99-0021-000.

Mr. Frank Jarbou, Jarbou Development came forward as the petitioner.

- Mr. Jarbou stated that his project at Ecorse and Hannan Roads will include a 5,000 sq. ft gas station/convenience store, 2,000 sq. ft. restaurant/drive-thru, and 16,000 sq. ft. retail facility with a 2,400 sq. ft. outlot.
- Ms. Maise explained that the reason for the variance is due to the angle of the Ecorse Road right-of-way. Making the petitioner design around that angle would not be an efficient use of the property. She finished by saying that the landscaping, berm and sidewalk are not compromising any of the development in that area, rather these features are just on the other side of the right-of-way line.
- Mr. Chandler questioned how much encroachment Ms. Maise is talking about.
- Ms. Maise answered that it is approximately two feet where the property bends. The requirement is fifteen feet but with the landscaping and berm you will not even notice that the requirement is not met.
- Mr. Jarbou stated that he is more than happy to comply with the landscaping requirements to make that entrance to the city look nice.
- Mr. Chandler questioned the petitioner as to when he intends to get started.
- Mr. Jarbou answered as soon as he has received all the approvals required and intends to build in phases as he does not want to build without having it occupied. He finished by saying that he has potential tenants for the 2,000 sq. ft. restaurant/drive-thru site and is in talks with numerous potential tenants for the 16,000 sq. ft. retail facility.
- Mr. Chandler questioned how long Mr. Jarbou has owned the existing convenience store.
- Mr. Jarbou answered that he and his family have owned the convenience store for over thirty years and that they have been planning for this development for many years.
- Ms. Maise noted that the Planning Commission will be holding a public hearing on the special land uses for this development on June 18th.
- Mr. Mientkiewicz questioned whether Mr. Jarbou owns the house to the east of his property on Ecorse Road.
- Mr. Jarbou answered no since the property owner was not interested in selling.

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.

- Ms. Adie Walden stated that she is not opposed to this project. She continued by saying that she has complained numerous times over the years about paving that has occurred behind the property and that she also questioned ditching that has been occurring over the last two years.
- Mr. Chandler questioned who she has complained to.

- Ms. Walden stated here.
- Ms. Maise noted that Ms. Walden came before the Planning Commission at the public hearing for the rezoning.
- Ms. Walden stated that she has not received any answers and it seems as though this project has already been approved.
- Ms. Maise explained that this project has not received Planning Commission approval as of yet.
- Ms. Walden said that she received notice about the widening of Ecorse Road and she had concerns with that also.
- Ms. Maise noted that she has spoken with Wayne County and there will be improvements with this project but that she is not aware of Ecorse Road being widened prior to this.
- Mr. Jarbou stated that the only change to Ecorse Road will be the installation of a turn lane for stacking purposes to enter the proposed site.
- Ms. Walden stated that from what it looks like, from the staking, the turn lane will come right through her front yard.
- Mr. Jarbou noted that typically the staking is done far beyond where the actual widening is going to occur and that his development stops right at Ms. Walden's property.
- Ms. Walden said that she will be at the June 18th Planning Commission meeting to oppose them taking 300 feet of her property.
- Ms. Maise explained that they are not taking 300 feet of her property and that the 300 feet is the requirement for notification purposes.

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

- Mr. Chandler stated that the development of this corner is long overdue.
- Mr. Jarbou explained that they have been here a long time and have been planning this for just as long. This is a good site that is right off the freeway and will enhance the whole area. He finished by saying that this is going to be good for everybody.
- Mr. Chandler noted that the gas station is going to be competing with the one across the street.
- Mr. Jarbou stated that the traffic study indicated that there is enough business there for both gas stations to survive and that there are two different types of clientele utilizing each site. He finished by saying that the 7-Eleven does not sell E85 or diesel.
- Ms. Allison stated that this will make that corner look very nice and it will be a great asset to our community.

Motion by Allison supported by Mientkiewicz to approve the parking lot setback variance for BZA-2012-007 for Romulus Village. Roll Call Vote: Ayes – Allison, Mientkiewicz & Chandler. Nays – None. Motion Carried.

6. Old Business

- A. BZA-2012-003; RTF Romulus LLC (EQ), requesting to withdraw a use variance as follows:

Use Variance – RTF Romulus, LLC had requested a use variance that would permit the installation of railroad tracks for the parking and transport of rail cars and the connection of the railroad track to the presently existing tracks on an adjacent parcel. The subject site is located at 36345 Van Born Road. DP# 82-80-017-02-0009-300, 82-80-017-99-0022-000, 82-80-017-02-0011-000, 82-80-017-02-0013-300, 82-80-017-02-0022-300 and 82-80-017-02-0039-300.

Motion by Mientkiewicz supported by Allison to grant the request to withdraw the variance request for BZA-2012-003; RTF Romulus LLC (E.Q.). Roll Call Vote: Ayes – Allison, Mientkiewicz & Chandler. Nays – None. Motion Carried.

7. New Business - None

8. Communications

9. Discussion

- Mr. James Horn questioned how the withdraw of E.Q.'s request would affect him.
- Ms. Maise stated that E.Q. had petitioned to extend some railroad tracks on their property to the adjacent property. At a previous meeting their request was tabled. There were people with concerns present at that meeting, so the city wanted to notify the residents that EQ has withdrawn their request and are not going forward with their project at this time.
- Mr. Horn mentioned that he had not received a notice of the prior meeting.
- Ms. Maise responded that the Planning Department used the same mailing list for the previous notice.
- Ms. Drummond said that she has concerns as to whether the proposed work has been done and she mentioned that there is a lot of activity going on at that site.
- Ms. Maise stated that she will follow-up in regards to her complaint.
- Mr. Chandler stated that he heard that some tree clearing was taking place on or near one of the adjacent sites.
- Ms. Maise questioned Ms. Drummond as to whether this activity has been going on since the previous meeting.
- Ms. Drummond answered not as much, but that there is still activity on-site.
- Ms. Maise noted that she will follow-up with the Building Department.
- Mr. Chandler stated that they can still have rail cars coming on site to the existing spur.
- Ms. Drummond mentioned that she is aware of that but that she just wants to make sure they are not doing any additional work.

- Ms. Maise stated that she will follow-up on this complaint. She continued by saying that there will be no July meeting. She finished by saying that they are still working on updating the by-laws and will bring those back to the next meeting.

10. Adjournment

Motion by Allison supported by Mientkiewicz to adjourn at 7:55 p.m. Ayes – Allison, Mientkiewicz & Chandler. Nays – None. Motion Carried.



Donald Morris, Secretary
Zoning Board of Appeals