MINUTES OF THE CITY OF ROMULUS REGULAR MEETING OF THE BOARD OF ZONING APPEALS HELD ON WEDNESDAY, JULY 7, 2010

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

2. Roll Call Showing: Sheldon Chandler, Melvin Zilka, Don Morris, Ken Mientkiewicz, Dan Bussard
   Also in attendance: Cynthia I. Lyon, AICP, Planning Director

3. Motion by Zilka supported by Morris to approve the agenda as presented. Roll Call Vote: Ayes – Zilka, Morris, Mientkiewicz, Chandler, Bussard. Nays – none. Motion Carried.

Agenda

1. Pledge of Allegiance

2. Roll Call

3. Approval of Agenda

4. Approval of the minutes of the regular meeting of the Board of Zoning Appeals held on June 2, 2010.

5. Petitions

   A. BZA-2010-006, Wayne Williams, requesting a variance from the City of Romulus Zoning Ordinance Section 3.04(a)(1) to allow the existing 902-square foot accessory structure (garage) to remain on the property without a principal building. The Zoning Ordinance requires that an accessory building only be located on a lot that is occupied by a principal building; therefore, a variance is required. The subject property is located at 6679 Merriman Road. DP# 82-80-007-01-0929-007.

   B. BZA-2010-007, Zaher Sherwani, requesting a variance from the City of Romulus, Michigan Code of Ordinances, Chapter 29 Signs, Section 29-5 to allow a channel letter sign on the building roof. The Sign Ordinance prohibits roof signs in all districts; therefore, a variance is required. The subject property is located at 9340 Wayne Road. DP#'s 82-80-065-99-0008-001.

   C. BZA-2010-008, Lee Williams, requesting a use variance from the City of Romulus Zoning Ordinance to allow a place of worship in the existing building located in an M-1, Light Industrial District. The Zoning Ordinance does not permit places of worship in an M-1, Light Industrial District. Therefore, a use variance is required. The subject property is located at 38211 Van Born Road. DP# 82-80-021-99-0006-004.

   D. BZA-2010-009, Fairmount Properties, requesting a variance from Section 6.04 and 6.05(d)(1) of the City of Romulus Zoning Ordinance to allow A 25 foot 8 inch front yard setback from Goddard Road and a 67 foot 10 inch front yard setback from Wayne Road. The Zoning Ordinance requires that the building be setback between 15 to 25 feet from the front lot line and that parking be located in the rear yard; therefore, variances are required. Parcel# 82-80-063-99-0008-000.

6. Old Business

7. New Business

8. Communications

   A. Minutes of the Regular meeting of the City of Romulus Planning Commission held on May 17, 2010.

9. Discussion

10. Adjournment

4. Motion by Mientkiewicz supported by Chandler to approve the minutes of the regular meeting of the Zoning Board of Appeals held on June 2, 2010. Roll Call Vote: Ayes – Mientkiewicz, Chandler, Morris, Zilka, Bussard. Nays – none. Motion Carried.

5. Petitions

   A. BZA-2010-006, Wayne Williams, requesting a variance from the City of Romulus Zoning Ordinance Section 3.04(a)(1) to allow the existing 902-square foot accessory structure (garage) to remain on the property without a principal building. The Zoning Ordinance requires that an accessory building only be located on a lot that is occupied by a principal building; therefore, a variance is required. The subject property is located at 6679 Merriman Road. DP# 82-80-007-01-0929-007.

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

   Wayne Williams, property owner, and Christian Krauter, National Realty, came forward to represent the petition.

   - Mr. Williams stated the house on the property was demolished and he has a prospective buyer that is interested in purchasing the property because of the existing garage with intentions on building a home on the property.

   Chairman Bussard asked if anyone wished to speak on this matter.

   - George Simko, 6593 Merriman Road, Romulus, MI 48174 came forward in opposition of the request and clarified there was not a house on the property there was a multi-unit apartment building that was not maintained, the roof had caved in and homeless people were living in it.
   - Mr. Simko stated the barn has not been maintained or improved since 1973, the roof and windows are gone, the inside is falling in and this is not the type of structure we want in our community.
   - Mr. Gerardo Uresti, 6625 Merriman Road, Romulus, MI 48174 came forward in opposition of the request and stated the barn is in very bad condition and needed to be demolished.

No one else came forward. Chairman Bussard closed the public hearing and opened the meeting for comments by the Board as follows:

- Mr. Zilka questioned if there was a signed purchase agreement for the property.
- Mr. Krauter stated the potential buyers are in the process of obtaining bids for construction of a new home and the bank will not provide financing until all of the information has been submitted.
- Mr. Krauter stated the buyers are only interested in the property because of the exiting block building and would not be interested in constructing a new home on the property if the structure were demolished.
- Mr. Zilka questioned if the prospective buyers signed a purchase agreement for the property.
- Mr. Krauter stated the prospective buyers have not signed a purchase agreement for the property.
- Mr. Zilka questioned how long the prospective buyers have been interested in the property.
- Mr. Krauter stated the prospective buyers have been interested in the property for approximately five weeks.
- Mr. Zilka questioned why the barn had not been maintained and/or improved to avoid its deteriorated condition.
- Mr. Krauter stated the deteriorated condition of the barn is the result of vandalism from kids in the neighborhood.
- Mr. Morris commented if the primary building was so deteriorated it had to be demolished then he had doubt that the barn was ever maintained.
- Ms. Lyon stated the original structure was a multi-unit nonconforming building that was placed on the City's demolition list and torn down because it created a blight issue in the neighborhood, homeless people were living in the building and there was a drug problem.
- Ms. Lyon stated the City has been working with the property owner for three (3) years to get the accessory structure removed; the Building Department has deemed the garage to be unsafe; the structure was placed on the demolition list and did go before the Construction Board of Appeals.
- Ms. Lyon stated concerns with the applicant not having a purchase agreement and with the history of the property and/or structures not being maintained, which could turn into another blighted condition affecting the residents that live in the neighborhood.
- Mr. Krauter stated that at the Construction Board of Appeals meeting the Building Director declared the building to be basically sound.
- Ms. Lyon stated the letter dated May 14, 2010 from the Building Department declared the building Sub-Standard and Condemned by the Code Official of the City of Romulus.
- Mr. Bussard stated he visited the site and the building is in need of a lot of repairs and he would not be in favor of having a building like that in his neighborhood.

- Mr. Bussard stated it is amazing to him that after three (3) years the property owner has found someone that might want to purchase the property and yet brought no documentation to confirm the agreement.
- Mr. Chandler stated he is a Construction Board of Appeals member and the reason the structure was placed on the demolition list is because it has been declared Sub-Standard and is still on the demolition list; however, the property owner was given the opportunity to come before the Board of Zoning Appeals to state their case and provide documentation of a signed agreement, which they have not done.

Motion by Chandler supported by Zilka to deny BZA-2010-006, Wayne Williams, a variance to allow the existing 902-square foot accessory structure (garage) to remain on the property without a principal building. The variance is denied due to no finding of practical difficulty. The subject property is located at 6679 Merriman Road. DP# 82-80-007-01-0929-007. Roll Call Vote: Ayes – Chandler, Zilka, Morris, Mientkiewicz, Bussard. Nays – None. Motion Carried.

B. BZA-2010-007, Zaher Sherwani, requesting a variance from the City of Romulus, Michigan Code of Ordinances, Chapter 29 Signs, Section 29-5 to allow a channel letter sign on the building roof. The Sign Ordinance prohibits roof signs in all districts; therefore, a variance is required. The subject property is located at 9340 Wayne Road. DP#'s 82-80-065-99-0008-001.

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

Shawn Dudash, Director of Hope Urgent Care, Atul Grover and Zaher Sherwani, Hope Urgent Care owners, came forward to represent the petition.

- Mr. Dudash stated the original request for a channel sign was denied by the Building Department because wall signs must be mounted no less than 10-feet above the ground; and therefore, would only allow the sign to be 8-inches tall, which would be too small to see on a building that is located 25-feet off of the main road.
- Mr. Dudash stated the proposed request is for a channel sign on the roof which is attractive, easy to see from the road and would not be a nuisance in the neighborhood.

Chairman Bussard asked if anyone wished to speak on this matter.

- Cathy Morse, 9322 S. Wayne Road, Romulus, MI 48174 came forward and stated concerns regarding the existing security light on the east wall of the building that is a neighborhood nuisance because the light is very blinding when walking/driving up her driveway at nighttime, for which, she did not have the opportunity to speak in opposition of prior to being installed; so therefore, if the proposed sign creates a similar effect due to the placement, size and illumination then she would be opposed to the request, but otherwise she is not opposed to the request for the purpose of advertisement.
- Mr. Atul clarified that the LED sign would not have a blinding effect on the neighboring residence like the existing flood light.

No one else came forward. Chairman Bussard closed the public hearing and opened the meeting for comments by the Board as follows:

- Mr. Chandler questioned if the facility would be a 24 hour operation.
- Mr. Dudash stated the hours of operation would be from 10:00 am to 10:00 pm. Sunday thru Saturday.
- Mr. Chandler questioned if something could be done about the nuisance caused by the existing flood light.
- Mr. Dudash stated the flood light could be adjusted to eliminate the blinding effect to the neighboring residence.
- Mr. Sherwani stated he would have the light moved.
- Ms. Lyon advised the applicant to meet with the Building Department prior to making any changes to the lighting because flood lights are not permitted within the C-2, General Business District, and any lighting must have full cutoff shields and be angled away from residential areas.
- Mr. Mientkiewicz questioned if the facility would contain both the urgent care and the pharmacy.
- Mr. Dudash confirmed the facility would contain both the urgent care and the pharmacy.
- Mr. Mientkiewicz questioned if both the urgent care and the pharmacy would be accessed from the east side of the building.
- Mr. Dudash stated the east entry door would be used for the emergency ambulance entrance and the south entry door would be used for the urgent care and the pharmacy entrance.
- Mr. Bussard questioned if the sign would only be illuminated during the hours of operation.
- Mr. Dudash stated the sign would only be illuminated during the evening hours and turned off when the facility is closed.

Motion by Mientkiewicz supported by Chandler to grant approval to BZA-2010-007, Zaher Sherwani, a variance to allow a channel letter sign on the building roof subject to the following conditions:

1. Proper permits are obtained from the Building Department.
2. Letters be no taller than 17" as indicated on the plan.
3. Sign being turned off during non business hours.
4. Flood light be adjusted away and downward from residents.

The variance is granted based upon the finding of practical difficulty as detailed in the Planning Director's memorandum dated June 22, 2010. The subject property is located at 9340 Wayne Road. DP# 82-80-065-99-0008-001. Roll Call Vote: Ayes – Mientkiewicz, Chandler, Morris, Zilka, Bussard. Nays – None. Motion Carried.

C. BZA-2010-008, Lee Williams, requesting a use variance from the City of Romulus Zoning Ordinance to allow a place of worship in the existing building located in an M-1, Light Industrial District. The Zoning Ordinance does not permit places of worship in an M-1, Light Industrial District. Therefore, a use variance is required. The subject property is located at 38211 Van Born Road. DP# 82-80-021-99-0006-004.

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

Lee Williams, Senior Pastor of Merciful Ministries of Jesus Christ, came forward to represent the petition.

- Pastor Williams stated they currently rent from a church located in Belleville and work out of the Metropolitan Hotel in Romulus so it is necessary for them to find a central location that will accommodate their growing congregation.
- Pastor Williams stated he has been working with the city and the property owner to purchase the property, which he believed would be a blessing and bring integrity to the neighborhood because the building has been vacant for a long time.
- Pastor Williams stated he worked in Detroit for 20 years but has lived in Romulus for 63 years and since this is his city, he is interested in it and he loves it and because he and his wife are very concerned about the youth and presently work with restoring families he felt he could help the community.

Chairman Bussard asked if anyone wished to speak on this matter.

- Charles Laurencelle, 38211 Van Born, Romulus, MI 48174, property owner, came forward and stated the building has been vacant for a long time with little luck of finding a tenant or buyer so he believed that a place of worship would be a good use for the site.

No one else came forward. Chairman Bussard closed the public hearing and opened the meeting for comments by the Board as follows:

- Mr. Zilka questioned if the applicant was in agreement with the conditions listed in the Planning Director's memorandum dated June 23, 2010.
- Pastor Williams stated that he had no problem with the conditions listed in the Planning Director's memorandum dated June 23, 2010.
- Mr. Zilka questioned if the applicant would also agree to resurface the areas of the parking lot that need repair.
- Pastor Williams stated he had no problem with resurfacing the areas of the parking lot that need repair.
- Mr. Morris questioned the intent of the condition that states, "No outdoor assembly, all activities must occur within the building unless a special event permit obtained from the City Council.
- Ms. Lyon explained that typically churches are required to go before the Planning Commission, at which point, all of the indoor and outdoor church activities would be regulated; so therefore, because the intent is unknown for the large pavement area at the rear of the site a condition of the approval is that a special event permit be obtained from the City Council for any outdoor activity.
- Pastor Williams stated currently when outdoor activities are planned they go to the park and he did not foresee that changing.
- Ms. Lyon stated a concern is that sometimes large paved areas are used for sporting events such as basketball or skateboarding, which would not be allowable on a regular basis and would require a special event permit from the City Council.
- Mr. Mientkiewicz verified that even if the proposed use variance was denied it would be permitted within the district after the Zoning Ordinance "clean-up".

- Ms. Lyon confirmed that after the Zoning Ordinance "clean-up" the use would be permitted within the district and stated that as part of the Zoning Ordinance "clean-up" the categories in which to allow places of worship have been expanded to be consistent with The Religious Land Use Protection Act (RLUPA), which state that if you allow places of assembly within a district you cannot exclude places of worship.

Motion by Morris supported by Zilka to grant approval to BZA-2010-008, Pastor Lee Williams – Merciful Ministries, a use variance to allow a place of worship in the existing building located in an M-1, Light Industrial District based upon the Zoning Ordinance being amended and the finding of "unnecessary hardship" conditioned upon:

1. Proper permits for occupancy are obtained from the Building Department.
2. Submission of a landscape plan in compliance with Article 13 of the Zoning Ordinance.
3. Submission of a floor plan designating uses and a parking plan in accordance with Article 14 of the Zoning Ordinance.
4. Cash Bond in the amount of $3,000 be posted with the City for the installation of the required landscaping and striping of the parking.
5. Installation of the required landscaping and parking lot striping no later than May 1, 2011.
6. Submission of recorded cross access easement agreements for access to the site and maintaining the parking spaces located on the west side of the building prior to occupancy of the building.
7. Lighting must be adjusted downward and any new lighting must be metal halide and comply with the standard of Article 13.05.
8. No outdoor assembly, all activities must occur within the building unless a special event permit obtained from the City Council.
9. Resurfacing of lot as necessary.

The subject property is located at 38211 Van Born Road. DP# 82-80-021-99-0006-004.
Roll Call Vote: Ayes – Morris, Zilka, Chandler, Mientkiewicz, Bussard. Nays – None.
Motion Carried.

D. BZA-2010-009, Fairmount Properties, requesting a variance from Section 6.04 and 6.05(d)(1) of the City of Romulus Zoning Ordinance to allow A 25 foot 8 inch front yard setback from Goddard Road and a 67 foot 10 inch front yard setback from Wayne Road. The Zoning Ordinance requires that the building be setback between 15 to 25 feet from the front lot line and that parking be located in the rear yard; therefore, variances are required. Parcel# 82-80-063-99-0008-000.
Let the record show that an affidavit of first class mail has been shown and is on file.

Michael Rea, Fairmount Properties, came forward to represent the petition.

- Mr. Rea stated they are proposing to construct a new 5-bay auto repair shop and as part of the site plan review process it was suggested that the site design be changed to be more compatible with the existing developments, which resulted in the need for the variances.

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 if the entire parcel would be used for the proposed development.
- Mr. Rea stated only half of the parcel would be used for the proposed development and the undeveloped portion would continue to be maintained with intentions of future development.
- Mr. Morris questioned if there would be parking between the proposed building and Burger King.
- Mr. Rea stated there would not be parking between the proposed building and Burger King.
- Mr. Chandler questioned the type of auto repairs that would be done at the facility.
- Mr. Rea stated only minor repairs would be done at the facility such as tune-ups, changing tires, recharging air conditioners, etc.
- Mr. Mientkiewicz questioned if the north side of the building would be used for fire truck circulation.
- Mr. Rea stated the north side of the building would be maintained as grassland and not used for fire truck circulation.
- Mr. Mientkiewicz questioned if the Fire Department was satisfied that the two driveways would adequately accommodate fire truck circulation.
- Mr. Rea stated he believed the Fire Department was satisfied that the two driveways would adequately accommodate fire truck circulation.
- Mr. Morris questioned if the curb cut on Wayne Road would be too close to the Burger King curb cut.
- Ms. Lyon stated that because both Wayne and Goddard Roads are under Wayne County jurisdiction the proposed driveway locations must be approved by Wayne County and documentation of the approval be provided to the City; which is the reason for condition #5 that states, "any changes to the site layout that affect the variances would be brought back before the Board" because if the driveway locations are denied by the County it is likely the site layout will change.
- Mr. Morris stated the County is typically only interested in the distance from the corner.
- Ms. Lyon stated two (2) waivers are required from the Planning Commission for the Wayne Road driveway one for the distance from the corner and one for the distance from the Burger King driveway.
- Ms. Lyon stated the applicant is proposing the Wayne Road driveway be a restricted access right turn only driveway.
- Mr. Bussard questioned the details for the proposed ground sign located at the corner of Wayne and Goddard Roads.
- Mr. Rea stated the sign dimensions were indicated on the special land use application submitted, which also states that the sign would be in compliance with the Sign Ordinance.
- Mr. Bussard questioned if the berm required along the front would be maintained at a certain height.

- Mr. Rea stated the Ordinance requires that the planting height be between 30" to 36".
- Ms. Lyon stated the plantings are required to be maintained as a hedgerow at approximately 4 feet.

Motion by Chandler supported by Zilka to grant approval to BZA-2010-009, Fairmount Properties, a 25 foot 8 inch front yard setback from Goddard Road and a 67 foot 10 inch front yard setback from Wayne Road and a variance to allow parking in the front yard conditioned upon:

1. Approval of the special land use by the City Council;
2. Approval of the site plan by the Planning Commission;
3. The parking screening shrubs be a minimum of 30"-36" in caliper and maintained as a hedgerow;
4. Flowering perennial shrubs be added to the boxwood shrubs surrounding the development sign at the corner;
5. Any changes to the site layout that affect the variances or require additional variances will be brought back to the Board of Zoning Appeals; and
6. Revised plans being submitted to the ARC addressing all conditions of approval from the Board of Zoning Appeals, the Planning Commission and City Council.

The variance is granted based upon the finding of practical difficulty as detailed in the Planning Director's memorandum dated June 23, 2010. The subject property is located on the northeast corner of Goddard and Wayne Roads. Parcel# 82-80-063-99-0008-000. Roll Call Vote: Ayes – Chandler, Zilka, Mientkiewicz, Morris, Bussard. Nays – None. Motion Carried.

6. Old Business – None.

7. New Business – None.

8. Communications

   A. Minutes of the Regular meeting of the City of Romulus Planning Commission held on May 17, 2010.

9. Discussion

10. Motion by Zilka supported by Mientkiewicz to adjourn the meeting at 8:03 p.m. Roll Call Vote: Ayes – Zilka, Mientkiewicz, Chandler, Morris, Bussard. Nays – none. Motion Carried.

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Donald Morris, Secretary
Zoning Board of Appeals