MINUTES OF THE CITY OF ROMULUS REGULAR MEETING OF THE BOARD OF ZONING APPEALS HELD ON WEDNESDAY, SEPTEMBER 1, 2010

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

2. Roll Call Showing: Ken Mientkiewicz, Sheldon Chandler, Don Morris, Melvin Zilka, Dan Bussard

   Also in attendance: Cynthia I. Lyon, AICP, Planning Director

3. Motion by Zilka supported by Chandler to approve the agenda as presented. Roll Call Vote: Ayes – Zilka, Chandler, Morris, Mientkiewicz, 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 July 7, 2010.

5. Petitions

   A. BZA-2010-011, City of Romulus Animal Shelter, The Tax Increment Finance Authority, requesting a variance from the City of Romulus Zoning Ordinance Section 13.01(f) to allow the use of 100% split face concrete block on all facades of the structure. The Zoning Ordinance requires that the front façade and other walls facing a street shall provide a minimum of 50% brick, face brick, stone, cast stone or c-brick; therefore, a variance is required for the north, south and east elevations. The subject property is located at 12300 Wayne Road. DP# 82-80-083-99-0005-702.

   B. BZA-2010-012, Vincent Lewis, requesting a use variance from the City of Romulus Zoning Ordinance to allow a parking lot to be located within the R-1B, Single Family Residential District. The Zoning Ordinance does not permit parking lots within the R-1B, Single Family Residential District. Therefore, a use variance is required. The subject property is located at 6492 Wayne Road. DP# 82-80-020-02-0009-303.

   C. BZA-2010-013, Vincent Lewis, requesting variances from the City of Romulus Zoning Ordinance for the following:
      1. Section 7.05(b)(4) requires where a side or rear lot line adjoins a residential use, then the parking lot setback shall be increased to 20 feet. The petitioner is proposing a zero parking lot setback adjacent to residential property to the west (lot 30) of the subject site. Therefore a 20 foot setback variance is required.

2. Section 7.05(b)(4) requires where a side or rear lot line adjoins a residential use, then the parking lot setback shall be increased to 20 feet. The petitioner is proposing a zero parking lot setback adjacent to residential property to the east (lot 9) of the subject site. Therefore a 20 foot setback variance is required.
3. Section 13.02(c) and Section 7.05(b)(6) requires that at 15 foot parking lot setback and greenbelt buffer be required along the entire frontage of the site. The petitioner is proposing only 13 feet along Vinewood. Therefore a 2 foot setback and greenbelt buffer variance is required.
4. Section 13.02(d)(2) requires a buffer zone consisting of a 20 foot greenbelt with 4 foot berm or wall be provided between a commercial use and residential use. The petitioner is proposing a zero setback from the north property line adjacent to lot 32 and requesting to maintain the wood privacy fence. Therefore a 20 foot buffer zone variance is required.
5. Section 13.02(d)(2) requires a buffer zone consisting of a 20 foot greenbelt with 4 foot berm or wall be provided between a commercial use and residential use. The petitioner is proposing a zero setback from the east property line adjacent to lot 9 and requesting to maintain the wood privacy fence. Therefore a 20 foot buffer zone variance is required.
6. Section 13.02(d)(2) requires a buffer zone consisting of a 20 foot greenbelt with 4 foot berm or wall be provided between a commercial use and residential use. The petitioner is proposing a zero setback from the west property line adjacent to lot 30 and requesting to maintain the wood privacy fence. Therefore a 20 foot buffer zone variance is required.
7. Section 13.04 requires that a five foot sidewalk be provided along Vinewood and Wayne Roads. The applicant is seeking a payment-in-lieu of construction of the sidewalk along Wayne Road from the Planning Commission and a variance to the installation of the sidewalk along Vinewood. Therefore a variance to the installation of required sidewalk along Vinewood is required.

The subject property is located at 6492 Wayne Road. DP# 82-80-020-02-0009-303.

6. Old Business

7. New Business

8. Communications

   A. Minutes of the Regular meeting of the City of Romulus Planning Commission held on June 21, 2010.

   B. Letter from the Building Department dated July 19, 2010 regarding extension to BZA-935-07-95.

9. Discussion

10. Adjournment

4. Motion by Morris supported by Mientkiewicz to approve the minutes of the regular meeting of the Zoning Board of Appeals held on July 7, 2010. Roll Call Vote: Ayes – Morris, Mientkiewicz, Chandler, Zilka, Bussard. Nays – none. Motion Carried.

5. Petitions

A. BZA-2010-011, City of Romulus Animal Shelter, The Tax Increment Finance Authority, requesting a variance from the City of Romulus Zoning Ordinance Section 13.01(f) to allow the use of 100% split face concrete block on all facades of the structure. The Zoning Ordinance requires that the front façade and other walls facing a street shall provide a minimum of 50% brick, face brick, stone, cast stone or c-brick; therefore, a variance is required for the north, south and east elevations. The subject property is located at 12300 Wayne Road. DP# 82-80-083-99-0005-702.

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

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

- Mr. Keyes stated that the Board granted one (1) setback and two (2) landscaping variances for this project in January 2010. Since that time, the project was put out for bids and found that based on the design the cost of the construction came in significantly higher than the budget amount. Therefore significant modifications were required which included changing the roofline and the exterior façade in order to meet the budget, but the design did not change.

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:

Motion by Chandler supported by Zilka to grant approval to BZA-2010-011, City of Romulus Animal Shelter, The Tax Increment Finance Authority, a variance to allow the use of 100% split face concrete block on all facades of the structure. The variance is granted due to a finding of "practical difficulty" based upon the planner's report dated August 20, 2010. The subject property is located at 12300 Wayne Road. DP# 82-80-083-99-0005-702. Roll Call Vote: Ayes – Chandler, Zilka, Morris, Mientkiewicz, Bussard. Nays – None. Motion Carried.

B. BZA-2010-012, Vincent Lewis, requesting a use variance from the City of Romulus Zoning Ordinance to allow a parking lot to be located within the R-1B, Single Family Residential District. The Zoning Ordinance does not permit parking lots within the R-1B, Single Family Residential District. Therefore, a use variance is required. The subject property is located at 6492 Wayne Road. DP# 82-80-020-02-0009-303.

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

Vincent Lewis, property owner, and John Bingham, consultant, came forward to represent the petition.

- Mr. Bingham stated the proposed development contained a residentially zoned lot to the west, which was assumed to be commercially zoned when the property was purchased and therefore, is the reason for the use variance request.

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

- Jody and Sandra McKissack, 6467 Wayne Road, Romulus, MI 48174 came forward in opposition of the request and questioned if a fence would be required along the north property line and stated concerns regarding the proposed parking lot being located at the property line.
- Mr. Bussard questioned the location of their residence.
- Mr. McKissack stated they reside in the house to the north of the subject site.
- James Johnson, 35841 Vinewood, Romulus, MI 48174 came forward in opposition of the request and stated concerns with the parking lot driveway being located off of Vinewood in a residential neighborhood.
- Lisa Johnson, 35865 Vinewood, Romulus, MI 48174 came forward in opposition of the request and stated there is already a lot of traffic on Vinewood due to the park and church located on the street and it is used as the flow through to Beverly Road; therefore, she is also concerned for the safety of the residents/children in the neighborhood with additional traffic flow coming from the parking lot driveway off of Vinewood.

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

- Mr. Mientkiewicz questioned the number of cars that could be accommodated in the parking lot.
- Mr. Bingham stated the parking lot could accommodate 24 cars.
- Ms. Lyon stated the concern regarding the increased traffic in a residential area was addressed administratively through the site plan review process, which resulted in revised plans that relocated the driveway further west on the site and a sign to be posted that permits "left turn only" traffic when exiting the parking lot.
- Mr. Morris questioned if the residential lot had ever been used for a parking lot.
- Ms. Lyon stated the property consists of three (3) lots under the same ownership that had been combined in 1994; however the two (2) lots that front Wayne Road are zoned commercial and the lot that fronts Vinewood is zoned residential. The lot that fronts Vinewood has not been used for parking.
- Ms. Lyon also stated that the same situation exist on the south side of Vinewood except that the residential zoned portion of the property contains a concrete building, which lines up with the residential portion of the proposed development.

- Ms. Lyon concluded that as part of the Zoning Ordinance update it is intended to have those two (2) parcels changed to commercial; which is one reason for the recommendation to approve the request.
- Mr. Morris questioned if the residential portion of the proposed development had ever been used in conjunction with the existing structure on the property.
- Ms. Lyon stated the south portion of the property towards Vinewood had been used for parking but not the west portion of the property.
- Mr. Zilka questioned the meaning of "The Upscale Warehouse".
- Ms. Lyon explained that "The Upscale Warehouse" was the name of the restaurant/bar being proposed.
- Mr. Chandler questioned if the parking lot would be permitted on the parcel after the Zoning Ordinance is updated even if the Board denied the use variance.
- Ms. Lyon stated that if the Planning Commission and City Council concurred with the proposed Zoning Ordinance update, which included the recommendation to change the subject parcel, as well as, the residential parcel on the south side of Vinewood to commercial zoning, then that would allow the ability to park on the parcel without the use variance.
- Mr. Mientkiewicz questioned if the petitioner had spoken with the neighbors to the immediate north and/or west of the subject site regarding the proposed project.
- Mr. Bingham stated there has been no communication with the neighbors regarding the proposed project.
- Mr. Bussard stated he had a problem with the site plan before them not being accurate and questioned if the revised site plan relocated the driveway off of Wayne Road.
- Ms. Lyon stated that the driveway location was still off of Vinewood but was relocated further west on Vinewood.
- Mr. Chandler questioned if the proposed change in zoning to commercial included the adjacent residence to the north of the subject site.
- Ms. Lyon stated the existing residence to the north is already zoned commercial and is non-conforming residential.
- Ms. Lyon stated all of the parcels that front Wayne Road are zoned commercial.
- Mr. Mientkiewicz questioned if the wood fence to the north that extended from the front of the building toward Wayne Road was on the subject property.
- Mr. Bingham stated the wood fence to the north was on the subject property.
- Mr. Mientkiewicz questioned if they intended to make improvements to the fence.
- Mr. Bingham stated they intended to upgrade the entire site including the building, the landscaping and the fencing.
- Mr. Zilka questioned if the property had recently been surveyed.
- Mr. Bingham stated the property had recently been surveyed.
- Mr. Zilka questioned how far the wood fence was located off of the north property line.
- Mr. Bingham stated the wood fence was located approximately 1-foot off of the north property line.
- Mr. Zilka questioned how far the fence was located off of the west property line.
- Mr. Bingham stated the fence was located exactly on the west property line.

- Mr. Zilka confirmed that all of the fencing on the site would be upgraded.
- Mr. Bingham confirmed that all of the fencing on the site would be upgraded.
- Ms. Lyon stated that the plans do not indicate the wood fence would be upgraded only that it is existing.
- Mr. Bingham stated the plans indicate that the wood fence would be maintained.
- Mr. Bussard clarified that the existing wood fence would be repaired, painted, etc. but would remain as the barrier between the proposed commercial development and the residential property to the north.
- Mr. Bingham confirmed that the existing wood fence would be repaired, painted, etc. but would remain as the barrier between the proposed commercial development and the residential property to the north.
- Mr. Bussard questioned if the existing wood fence would be acceptable as the barrier between the proposed commercial development and the residential property to the north.
- Ms. Lyon stated the next BZA case on the agenda is for the dimensional variances being requested for the proposed development, which included variances to allow the fencing on the west, north, and east to remain as the barrier between the commercial use and residential use rather than install the required 6-foot masonry fence.
- Ms. Lyon stated variances are also being requested to eliminate the 20 foot buffer zone required between the commercial use and residential use.
- Ms. Lyon stated that any type of use i.e. bar, restaurant, retail shop to reoccupy the structure would be challenged to design the site in compliance with the Ordinance in order to accommodate the required parking spaces because it is so narrow and would likely need to come before this Board and the Planning Commission for approval.
- Mr. Morris questioned if it was necessary for the entire parcel to be utilized in order to accommodate the parking required for the size of the structure.
- Ms. Lyon stated the entire parcel would not necessarily need to be utilized but because the building is over 4,000 square feet in size any use would require more than 10 parking spaces, which would trigger full site plan review by the Planning Commission.
- Mr. Morris commented that the use variance to allow the parking would not affect the residents to the north.
- Ms. Lyon stated that two (2) subsequent plans have been submitted since the plan that is before them and the driveway location changed each time, but if the Board wished a copy of the most recent plan could be provided to them, as long as, the applicant ensured that the driveway location shown was accurate.
- Mr. Zilka questioned how far west the driveway location had been moved from what is shown on the plans.
- Ms. Lyon stated the driveway location has been moved about six (6) spaces to the west.
- Mr. Bussard questioned if the driveway location would be off of Vinewood directly on the residential zoned property.

- Ms. Lyon confirmed the driveway location would be off of Vinewood directly on the residential zoned property, which is the reason for the use variance to allow the parking lot to be located within the residential zoned property.
- Ms. Lyon stated the driveway would almost be lined up with the guy wire, which would have to be relocated in order to accommodate the driveway.
- Mr. Bussard stated it appeared that the area where the proposed 6' aluminum fence is shown with the curb could be turned into a driveway off of Wayne Road.
- Ms. Lyon stated the curb area was actually recommended as a condition of site plan approval because once the driveway is relocated further west on Vinewood that area would allow for maneuvering access to back out of those parking spaces and become a t-turnaround.
- Mr. Bussard confirmed there were no intentions to make a driveway off of Wayne Road.
- Ms. Lyon stated it is not the intentions of the City to have access onto Wayne Road but should be confirmed with the applicant because the driveways and access have been changing since the initial submission.
- Ms. Lyon stated the concern is that more traffic conflicts would be created by having a curb cut located on Wayne Road so close to the Vinewood intersection due to the 45 mph speed limit on Wayne Road and the area being very dimly lit in the evening.
- Mr. Bussard questioned if the option to install a deceleration lane would be possible in order to accommodate a driveway off of Wayne Road.
- Ms. Lyon stated there may not be enough right-of-way to allow that option but could be looked at by both the County and applicant's engineers, but commented that a deceleration lane would negatively impact the residents to the north even further by cutting into their front yard.
- Mr. Chandler questioned what type of night club was being proposed including the kind of restaurant, hours of operation, activities and was it a private or public establishment.
- Mr. Lewis stated the proposal is for an adult jazz club that would be open to the public with the hours of operation being Thursday 5:00 pm – 12:00 am, Friday and Saturday 5:00 pm – 1:00 am and Sunday 9:00 am for brunch – 7:00 pm.
- Mr. Chandler questioned if the club would have live entertainment.
- Mr. Lewis stated the club would provide live jazz entertainment and food.
- Mr. Chandler questioned if the garage door would remain on the front of the building with the proposed awning.
- Mr. Lewis stated the garage door would remain on the front of the building with the proposed awning.
- Mr. Bussard questioned if there would be enough area to accommodate parking for the proposed development without utilizing the R-1B parcel.
- Ms. Lyon stated there would not be enough area to accommodate parking without utilizing the R-1B parcel and also stated concerns as to whether a parking variance would be needed based on the calculations used as part of the site plan review process that indicated 26 parking spaces may be required to accommodate just the first floor restaurant/bar area rather than the 24 parking spaces proposed.

- Ms. Lyon again stated that any proposed use for the subject property would have to come before the Board of Zoning Appeals and the Planning Commission for approval because the property does not have enough area to accommodate the required parking for any type of proposed development.
- Mr. Morris questioned if the proposed project was scheduled to go before the Planning Commission.
- Ms. Lyon stated the proposed project is scheduled to go before the Planning Commission on Monday, September 20, 2010 for special land use and site plan review.
- Mr. Morris commented this is a tough decision but the residents in the area were aware that the subject site was commercially zoned with an existing building that had been there for a long time and was located on Wayne Road; and so with that in mind, any proposed use for the subject property/building would need to utilize the residential property in order to meet the required number of parking spaces based on the calculations set forth in the new Zoning Ordinance.
- Mr. Bussard stated he understood the importance of utilizing the residential property in order to meet the required number of parking spaces for the proposed development but is torn based on past decisions of the Board for similar requests.

Motion by Chandler supported by Morris to approve BZA-2010-012, Vincent Lewis, a use variance to allow a parking lot to be located within the R-1B, Single Family Residential District. The subject property is located at 6492 Wayne Road. DP# 82-80-020-02-0009-303. Roll Call Vote: Ayes – Chandler, Morris, Zilka. Nays – Mientkiewicz, Bussard. Motion Failed.

Discussion after the motion:

- Mr. Bingham stated without the use variance the proposed project would be unable to obtain approval from the Planning Commission and also that the property/building would never be able to be occupied because any use for the building would become void.
- Mr. Bingham stated the Lewis's have invested a lot of time and money in order to occupy this property/building and that Romulus needed the improvement and he requested that the Board reconsider their decision.
- Mr. Bussard questioned if the applicant would like to proceed with the next item on the agenda requesting the dimensional variances for the proposed project.
- Ms. Lyon stated all but one (1) of the dimensional variances is tied into being able to use the residential property for the parking lot.
- Ms. Lyon recommended that the Board table the dimensional variance requests because now that the use variance has been denied the applicant could petition that the property be rezoned and still be able to move forward with the project.
- Mr. Zilka questioned if the Board could have a revote on the use variance request.
- Ms. Lyon recommended that if the Board wished they could table the use variance until the applicant could provide a full site plan that showed exactly where the curb cut would be located and the issue with the property to the north could be resolved.

- Mr. Chandler questioned how long the process would take to have the property rezoned.
- Ms. Lyon stated a rezoning takes approximately 12 – 16 weeks because a public hearing is required with the Planning Commission, the Planning Commission then makes a recommendation to the City Council and the City Council is required to have two (2) readings on a rezoning.
- Ms. Lyon stated we were aware of the situation that has existed with both the subject property and the property to the south having the residential component with the commercial component since the properties were combined in the 90's; and therefore, was already looking at potentially changing the zoning of the residential parcels as part of the Zoning Ordinance update.
- Ms. Lyon stated that when the applicant first came in to discuss the proposed project the appropriate course would have been to go through the rezoning process; however, because we were already looking at potentially changing the zoning of the residential parcel, which would allow the parking, we recommended and worked with the applicant on requesting a use variance instead.
- Mr. Chandler commented that because there is not much else that can be done with the building and it has been vacant for so many years he believed the proposed project would have been an improvement for that corner.
- Ms. Lyon stated the applicant is also required to meet the Liquor Control requirements regarding the separation distance between the proposed bar/restaurant and the existing churches on Vinewood and Wayne Roads; and therefore, if the Board wished they could table the use variance until the applicant can provide a response from the Liquor Control Commission for the proximity between those uses and provide a revised site plan.

Motion by Chandler supported by Morris to rescind the previous motion that failed for BZA-2010-012. The subject property is located at 6492 Wayne Road. DP# 82-80-020-02-0009-303. Roll Call Vote: Ayes – Chandler, Morris, Zilka, Mientkiewicz, Bussard. Nays – None. Motion Carried.

Motion by Chandler supported by Morris to table BZA-2010-012, Vincent Lewis, requesting a use variance to allow a parking lot to be located within the R-1B, Single Family Residential District until the applicant can provide a response from the Liquor Control Commission for the proximity between the bar/restaurant use and the two (2) existing churches on Vinewood and Wayne Roads and provide a revised site plan. The subject property is located at 6492 Wayne Road. DP# 82-80-020-02-0009-303. Roll Call Vote: Ayes – Chandler, Morris, Zilka, Mientkiewicz, Bussard. Nays – None. Motion Carried.

C. BZA-2010-013, Vincent Lewis, requesting variances from the City of Romulus Zoning Ordinance for the following:
   1. Section 7.05(b)(4) requires where a side or rear lot line adjoins a residential use, then the parking lot setback shall be increased to 20 feet. The petitioner is proposing a

zero parking lot setback adjacent to residential property to the west (lot 30) of the subject site. Therefore a 20 foot setback variance is required.

2. Section 7.05(b)(4) requires where a side or rear lot line adjoins a residential use, then the parking lot setback shall be increased to 20 feet. The petitioner is proposing a zero parking lot setback adjacent to residential property to the east (lot 9) of the subject site. Therefore a 20 foot setback variance is required.
3. Section 13.02(c) and Section 7.05(b)(6) requires that at 15 foot parking lot setback and greenbelt buffer be required along the entire frontage of the site. The petitioner is proposing only 13 feet along Vinewood. Therefore a 2 foot setback and greenbelt buffer variance is required.
4. Section 13.02(d)(2) requires a buffer zone consisting of a 20 foot greenbelt with 4 foot berm or wall be provided between a commercial use and residential use. The petitioner is proposing a zero setback from the north property line adjacent to lot 32 and requesting to maintain the wood privacy fence. Therefore a 20 foot buffer zone variance is required.
5. Section 13.02(d)(2) requires a buffer zone consisting of a 20 foot greenbelt with 4 foot berm or wall be provided between a commercial use and residential use. The petitioner is proposing a zero setback from the east property line adjacent to lot 9 and requesting to maintain the wood privacy fence. Therefore a 20 foot buffer zone variance is required.
6. Section 13.02(d)(2) requires a buffer zone consisting of a 20 foot greenbelt with 4 foot berm or wall be provided between a commercial use and residential use. The petitioner is proposing a zero setback from the west property line adjacent to lot 30 and requesting to maintain the wood privacy fence. Therefore a 20 foot buffer zone variance is required.
7. Section 13.04 requires that a five foot sidewalk be provided along Vinewood and Wayne Roads. The applicant is seeking a payment-in-lieu of construction of the sidewalk along Wayne Road from the Planning Commission and a variance to the installation of the sidewalk along Vinewood. Therefore a variance to the installation of required sidewalk along Vinewood is required.

The subject property is located at 6492 Wayne Road. DP# 82-80-020-02-0009-303.

Motion by Zilka supported by Morris to table BZA-2010-013, Vincent Lewis, until the use variance request (BZA-2010-012) is resolved and a revised site plan can be provided. The subject property is located at 6492 Wayne Road. DP# 82-80-020-02-0009-303. Roll Call Vote: Ayes – Zilka, Morris, Mientkiewicz, Chandler, 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 June 21, 2010.

B. Letter from the Building Department dated July 19, 2010 regarding extension to BZA-935-07-95.
   - Mr. Chandler questioned if Board was supposed to approve the granting of an extension.
   - Ms. Lyon stated that the Ordinance allows the Building Department Director the authority to grant an extension provided an inspection is conducted and they are still in compliance with the approval.

9. Discussion

10. Motion by Zilka supported by Chandler to adjourn the meeting at 8:00 p.m. Roll Call Vote: Ayes – Zilka, Chandler, Mientkiewicz, Morris, Bussard. Nays – none. Motion Carried.

vf

Donald Morris, Secretary
Zoning Board of Appeals