MINUTES OF THE CITY OF ROMULUS REGULAR MEETING OF THE BOARD OF ZONING APPEALS HELD ON WEDNESDAY, SEPTEMBER 5, 2012

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

2. Roll Call Showing: Emery Long, Kenneth Mientkiewicz, Donald Morris, Melvin Zilka and Sheldon Chandler

   Also in attendance: Carol Maise, City Planner, Linda McNeil, Sr. Secretary

3. Motion by Mientkiewicz supported by Long to approve the agenda as presented. Roll Call Vote: Mientkiewicz, Long, Morris, Zilka & 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 Monday, June 6, 2012.

5. Petitions

   A. BZA-2012-006; Estes Terminal LLC, requesting a non-use variance from the City of Romulus Zoning Ordinance to Section 13.03(a)(5) to allow a 10-foot high electric fence. A variance of 2-feet is requested since the total height allowed is 8-feet. The subject site is located at 9855 Harrison. DP# 82-80-049-99-0011-711.

   B. BZA-2012-008; William Pritula requesting a non-use variance from the City of Romulus Zoning Ordinance to Section 3.04(a)(3)(b) to allow a 4,320-square foot pole barn. The site currently has 7,699 square feet of detached accessory buildings. A variance of 9,619 square feet is requested since the permitted total square footage of accessory building floor area on parcels 2 acres or more is 2,400 square foot. The subject site is located at 16370 Huron River Drive. DP#'s 82-80-124-99-0005-000 & 82-80-124-99-0006-000.

6. Old Business

   A. BZA-2011-003, Reefer Peterbilt, requesting a twelve (12) month extension to an amendment for BZA-2001-003 which was a use variance to allow parts

warehousing, parts distribution, and truck and trailer sales and service in a M-1, Light Industrial District. An amendment to the use variance was approved to allow for a building addition and pavement improvement on September 7, 2011. The subject site is located at 6924 Brandt Road. DP#'s 82-80-007-02-0007-000 & 82-80-007-02-0008-000.

7. New Business

8. Communications

   A. City Planner's Status Report
   B. Minutes of the regular meeting of the Planning Commission held on June 18, 2012.

9. Discussion

10. Adjournment

4. Motion by Long supported by Mientkiewicz to approve the minutes of the regular meeting of the Board of Zoning Appeals held on June 6, 2012. Roll Call Vote: Ayes – Long, Mientkiewicz, Morris, Zilka & Chandler. Nays – None. Motion Carried.

5. Petitions

   A. BZA-2012-006; Estes Terminal LLC, requesting a non-use variance from the City of Romulus Zoning Ordinance to Section 13.03(a)(5) to allow a 10-foot high electric fence. A variance of 2-feet is requested since the total height allowed is 8-feet. The subject site is located at 9855 Harrison. DP# 82-80-049-99-0011-711.

   Motion by Zilka supported by Morris to withdraw BZA-2012-006; Estes Terminal LLC per the petitioner's e-mailed request. Roll Call Vote: Ayes - Zilka, Morris, Mientkiewicz, Long & Chandler. Nays – None. Motion Carried.

   B. BZA-2012-008; William Pritula requesting a non-use variance from the City of Romulus Zoning Ordinance to Section 3.04(a)(3)(b) to allow a 4,320-square foot pole barn. The site currently has 7,699 square feet of detached accessory buildings. A variance of 9,619 square feet is requested since the permitted total square footage of accessory building floor area on parcels 2 acres or more is 2,400 square foot. The subject site is located at 16370 Huron River Drive. DP#'s 82-80-124-99-0005-000 & 82-80-124-99-0006-000.

Mr. Keith Pinkelman, Lynnman Construction and William Pritula came forward representing the petitioner.

- Mr. Pinkelman stated that Mr. Pritula intends to use the proposed pole barn for the storage of farming equipment and hay that is done on and off the proposed site. He continued by saying that Mr. Pritula uses the existing pole barn for the storage of personal vehicles, lawn mowers and a little bit of hay. He would like to be able to use the proposed pole barn solely for the storage of the farming equipment and hay. He went on the explain that the existing pole barn is guttered and is tiled away from the property, as is the plan for the proposed pole barn. He also stated that concerns with regards to the drainage problems on site have not been addressed. He finished by saying that he has not talked with Wayne County or the Department of Public Works as he was not aware that there was a drainage problem.

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.

Chairman Chandler read the following correspondence:

1. Letter from William Parent, 16545 Hannan Road dated 8/20/2012 supporting the request.
2. E-mail from Kenneth Lee, 16280 Huron River Drive dated 8/23/2012 supporting the request if the existing drainage issues are resolved.
3. Letter from Paul and Laura Love, 16370 Huron River Drive dated 8/24/2012 supporting the request.
4. Letter from Roger Lee, 16350 Huron River Drive dated 8/27/2012 supporting the request if the existing drainage issues are resolved.

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

- Mr. Morris questioned Mr. Pritula as to where his construction equipment is stored.
- Mr. Pritula answered that he owns eighty (80) acres and five (5) buildings on Beverly Road and all construction equipment is stored there.
- Mr. Morris questioned Mr. Pritula as to whether he plans on bringing any of the construction equipment to be stored in the proposed pole barn.
- Mr. Pritula answered no, that his wife would not allow that.
- Mr. Chandler questioned how much land Mr. Pritula farms and if it is his land he farms or leased land.

- Mr. Pritula answered that he farms fifty five (55) to sixty (60) acres of leased land with Mr. Kilanski. He went on to say that he grows mostly hay for the four (4) cattle he raises.
- Mr. Chandler stated that he owned a farm in Deckerville that he sold to the neighbor who had twenty five (2,500) hundred acres that he farmed. He finished by saying that the neighbor had nowhere near the amount of equipment that Mr. Pritula has.
- Mr. Pritula stated that he has acquired various equipment over the years.
- Mr. Mientkiewicz questioned whether the tile placed over the ditch to the rear of the property is the drain in question.
- Mr. Pritula answered yes. He noted that the proposed pole barn will be located approximately fifty five (55) feet from the Blakely drain. He finished by saying that he will gutter the proposed pole barn directly into the Blakely drain and there should be no problem.
- Mr. Mientkiewicz questioned which direction the water runs in.
- Mr. Pritula answered that it runs south towards New Boston.
- Mr. Chandler questioned whether the county has ever cleaned the Blakely Drain.
- Mr. Pritula answered that the county has never cleaned that drain but that he has cleaned it himself approximately four (4) times.
- Mr. Zilka stated that the county has not cleaned the Blakely drain since 1950 and that in some places the drain is so overgrown that water may not even pass through it.
- Mr. Chandler questioned whether Mr. Pritula intends to store all his equipment inside.
- Mr. Pritula answered that he would like to store all his equipment inside if possible. He finished by stating that the equipment is too expensive to leave outside and that he would like to also keep the hay separate.
- Mr. Chandler questioned how the hay is stored.
- Mr. Pritula answered that it is brought in by trailer in bales.
- Mr. Chandler questioned whether Mr. Pritula has a hay loft.
- Mr. Pritula answered no that he has to feed the cows and has to be able to reach the hay himself.
- Mr. Chandler stated that it may help to reorganize the pole barn a little bit.
- Mr. Pritula answered that he has tried but when you get 150-200 bales of hay on a wagon it is pretty wide.
- Mr. Mientkiewicz questioned what Mr. Pritula intends to do with the tile that he installed.
- Mr. Pritula answered that it was installed as a bridge to reach the twenty (20) acres that he owns at the rear of the proposed site that goes all the way through to Hannan Road.
- Mr. Mientkiewicz verified that the tile was installed to be able to cross the ditch.
- Mr. Pritula stated that his wife uses the bridge to cross over with the golf cart when riding the grandchildren around the property.

- Mr. Chandler questioned whether Mr. Pritula owns property that has frontage along Hanna Road.
- Mr. Pritula answered that there is a little sliver that goes all the way through to Hannan Road.
- Mr. Chandler questioned whether there is a driveway or a way to exit the property on to Hannan Road.
- Mr. Pritula answered no.
- Mr. Zilka stated that he visited the site and Mr. Pritula has an enormous amount of equipment sitting out that needs to be sheltered.
- Mr. Long questioned whether Mr. Pritula was aware of the drainage problems addressed in the letters and if he is willing to do what needs to do done to resolve the problem.
- Mr. Pritula answered that about a year and a half ago he installed a ditch for Mr. Lee due to flooding problems on his property as a result of his property being of a lower grade overall. He finished by saying that he will install a 6-inch drain on his property to resolve the drainage problems.
- Ms. Maise stated that after talking with the Department of Public Works there have been no permits pulled for the drainage work on Mr. Pritula's property and they were not aware of any drainage issues. They have recommended that a full analysis be done of the site and what is being proposed before any action is taken on the variance request.
- Mr. Zilka stated that he does not believe that a permit is required for the county drain.
- Ms. Maise noted that he may not need a permit but the Department of Public Works does need to do a full analysis of the proposed site before any action is taken.
- Mr. Chandler questioned whether the analysis can be done fairly quickly.
- Ms. Maise answered that it can be done fairly quickly but noted that the City was not made aware of the issues until just last week.
- Mr. Pritula questioned whether the Board of Zoning Appeals could grant the variance with the stipulation that Mr. Pritula will do what is required per the Department of Public Works. He finished by saying that he would like to keep his project on schedule for construction.
- Ms. Maise noted that when a variance was granted back in 1997 for the existing pole barn, Mr. Pritula stated that he needed the pole barn due to the fact that he was farming 50 to 60 acres. She continued by saying that when the new application came in Mr. Pritula stated that he is now farming an additional 125 to 150 acres and he needs to explain why the equipment for the farming of the additional acres cannot be stored at that site. She finished by saying that the City of Romulus does not have any Agricultural zoned property. The least intense district is residential, which does allow for small-scale farming, but the additional 125-150 acres is definitely large-scale farming.

- Mr. Chandler questioned whether Mr. Pritula intends to farm any additional land beyond what is being discussed this evening.
- Mr. Pritula answered no, that he is all done. He went on to explain that he helps Mr. Kilanski with farming and spraying at night over off the expressway near the Vining Road area.
- Ms. Maise questioned whether Mr. Pritula farms the 55-60 acres and the additional 125-150 cares.
- Mr. Pritula answered that he owns and farms the 55-60 acres for hay and that he only helps farm the additional 125-150 acres.
- Mr. Chandler questioned whether Mr. Pritula would be held to that limit.
- Ms. Maise noted that part of Mr. Pritula's justification is that he farmed 55-60 acres and that he needs that much storage space for that much equipment to accomplish that. What the Board will have to determine is how much of this is a commercial farming operation which kicks it into a more intense use and how it will impact the whole area. She continued by saying that this is not a farming district, it is a residential district and the Board will have to use that as part of they're determination. She finished by saying that there is a drainage impact that needs to be resolved and then they can make a determination.
- Mr. Chandler questioned Mr. Pritula as to when he wanted to get started building.
- Mr. Pinkelman answered that they would like to get started as soon as possible. He finished by saying that he has no doubt the drainage issue can be handled and addressed.
- Mr. Pritula stated that his is receptive to the Board making that a condition of approval and he will get with Mr. Wilson, DPW Director and get the drainage issue taken care of.
- Ms. Maise stated that the Board could make it a condition of approval that all drainage issues are resolved before the building permit is issued.
- Mr. Pinkelman stated that it is typical that when you tie into a county drain that you meet with the county commissioner to have an analysis done to make sure there is no adverse impact. He finished by saying that a lot of times there is no permit required but you do have to meet with the county and get their approval, and that Mr. Pritula has no problem doing that.
- Mr. Chandler stated that the Board has to put a condition of approval on the request in order to make sure the drainage issues are resolved.
- Ms. Maise stated that with the condition of approval the building permit will not be issued until the drainage issue is resolved.
- Mr. Zilka stated that based on Mr. Pritula's reputation and long standing commitment to the City of Romulus he does not believe the Board should make Mr. Pritula come back before the Board of Zoning Appeals again next month. He finished by saying that if you visit the proposed site you can see the equipment sitting outside that Mr. Pritula needs to get stored along with the hay for the cattle.
- Mr. Chandler stated that a few years back that area near the proposed site was all farmland.

Motion by Zilka supported by Morris to approve BZA-2012-008; William Pritula requesting a non-use variance from the City of Romulus Zoning Ordinance to Section 3.04(a)(3)(b) to allow a 4,320-square foot pole barn conditioned upon the applicant working with the City's DPW Department and possibly Wayne County to assure that any existing drainage issues are addressed before the issuance of a building permit. Roll Call Vote: Ayes – Zilka, Morris, Long, Mientkiewicz & Chandler. Nays – None. Motion Carried.

6. Old Business

   A. BZA-2011-003, Reefer Peterbilt, requesting a twelve (12) month extension to an amendment for BZA-2001-003 which was a use variance to allow parts warehousing, parts distribution, and truck and trailer sales and service in a M-1, Light Industrial District. An amendment to the use variance was approved to allow for a building addition and pavement improvement on September 7, 2011. The subject site is located at 6924 Brandt Road. DP#'s 82-80-007-02-0007-000 & 82-80-007-02-0008-000.

   - Mr. James Cormier came forward representing Reefer Peterbilt and requested that the Board of Zoning Appeals approve the twelve month extension. He continued by saying that a couple of things came up that were a higher priority that have prevented them from moving forward on this project. He continued by saying that the intent is to break ground and move forward with this project in the spring.
   - Mr. Chandler questioned whether there is a limit on the number of extensions that a petitioner can request/receive.
   - Ms. Maise answered no.
   - Mr. Cormier noted that this is the first extension requested.

   Motion by Zilka supported by Long to grant a twelve (12) month extension for BZA-2011-003, Reefer Peterbilt, which was a use variance to allow parts warehousing, parts distribution, and truck and trailer sales and service in a M-1, Light Industrial District. An amendment to the use variance was approved to allow for a building addition and pavement improvement on September 7, 2011. Roll Call Vote: Ayes – Zilka, Long, Mientkiewicz, Morris & Chandler. Nays – None. Motion Carried.

7. New Business - None

8. Communications

9. Discussion

- Mr. Zilka reminded everyone that the Pumpkin Festival will be September 14th, 15th & 16th. He continued by saying that there will be a carnival participating in the Pumpkin Festival this year along with the usual stuff such as the car and tractor show. He finished by saying that he hopes everyone attends and has a great time.
- Mr. Mientkiewicz questioned whether the brick noted in the Planner's Status Report for the Dollar General store is what was approved per the Planning Commission.
- Ms. Maise answered yes that it is brick. She explained that there is a problem with the production of the brick and it will be in soon and also noted that the landscaping is in.
- Ms. Maise noted that there has been a conceptual site plan submitted for another Dollar General that will be located on Van Born Road that will be submitting officially in the next couple weeks.
- Mr. Zilka stated that the Speedway project is finally underway and moving right along.
- Mr. Chandler stated that it is good to have Mr. Zilka back.
- Mr. Zilka thanked Mr. Chandler and stated he is glad to be back.

10. Adjournment

Motion by Mientkiewicz supported by Long to adjourn at 7:36 p.m. Ayes – Mientkiewicz, Long, Zilka, Morris & Chandler. Nays – None. Motion Carried.

Donald Morris, Secretary
Zoning Board of Appeals