

**MINUTES OF THE CITY OF ROMULUS REGULAR MEETING OF THE
BOARD OF ZONING APPEALS HELD ON WEDNESDAY, DECEMBER 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, John Clark,
 Don Morris, Dan Bussard
 Excused: Melvin Zilka
 Also in attendance: Cynthia I. Lyon, AICP, Planning Director
3. Motion by Mientkiewicz supported by Chandler to approve the agenda as presented. Roll Call Vote: Ayes – Mientkiewicz, Chandler, Clark, Morris, 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 November 3, 2010.
5. Petitions
 - A. BZA-2010-016, Herbert Worthy, requesting a use variance from the City of Romulus Zoning Ordinance to allow the existing structure to be reoccupied for the purpose of allowing an electrical contractor warehouse/storage facility to operate within the R-1A, Single Family Residential District. The Zoning Ordinance does not permit this use within the R-1A, Single Family Residential District. Therefore, a use variance is required. The property is non-conforming and use variances have been previously granted for this property (BZA-2002-023; BZA-2004-030) to utilize this building for Light Industrial uses. The subject property is located at 13581 Huron River Drive. DP# 82-80-114-99-0016-000.
 - B. BZA-2010-017, Italy American Construction, requesting a variance from the City of Romulus Zoning Ordinance Section 3.04(4), Detached Accessory Building Setbacks, to allow the detached accessory building to be located three (3) feet from the principal building. The Zoning Ordinance requires that detached accessory structures shall be located at least ten (10) feet from a principal building. Therefore, a seven (7) foot variance is required. The subject property is located at 35101 Wick Road, Romulus, Michigan. DP# 82-80-062-01-0070-300.
6. Old Business

7. New Business
 8. Communications
 - A. Minutes of the Regular meeting of the City of Romulus Planning Commission held on July 19, 2010.
 9. Discussion
 10. Adjournment
4. Motion by Mientkiewicz supported by Chandler to approve the minutes of the regular meeting of the Board of Zoning Appeals held on November 3, 2010. Roll Call Vote: Ayes – Mientkiewicz, Chandler, Clark, Bussard. Abstain – Morris. Nays – none. Motion Carried.
5. Petitions
- A. BZA-2010-016, Herbert Worthy, requesting a use variance from the City of Romulus Zoning Ordinance to allow the existing structure to be reoccupied for the purpose of allowing an electrical contractor warehouse/storage facility to operate within the R-1A, Single Family Residential District. The Zoning Ordinance does not permit this use within the R-1A, Single Family Residential District. Therefore, a use variance is required. The property is non-conforming and use variances have been previously granted for this property (BZA-2002-023; BZA-2004-030) to utilize this building for Light Industrial uses. The subject property is located at 13581 Huron River Drive. DP# 82-80-114-99-0016-000.

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

Herbert Worthy, IB Property Holding LLC, and Mario DeAngelis, potential buyer, came forward to represent the petition.

- Mr. Worthy stated they are requesting a use variance to allow occupancy of the commercial building that is located on residentially zoned property and that the building has been a commercial building for the last 64 years and has only been vacant for a short time.
- Mr. Worthy stated Mr. DeAngelis is a potential buyer that is ready to occupy the building and use it to operate his electrical company and relieve the City of one less vacant building.

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

- Kathy Tuttle, 13589 Huron River Drive, Romulus, MI 48174, came forward and stated that she had no problem with the use variance but had concerns regarding the garage they built in 1995 that was believed to be constructed on their property, but

have since found out that the garage is located on the subject property and she requested that the issue be resolved as part of the variance.

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

- Mr. Morris questioned if the garage was completely located on the subject property.
- Mr. Worthy stated the garage was completely located on the subject property and that they were willing to deed the property to the garage and 3 feet around the garage to the property owner located at 13589 Huron River Drive in order to resolve the issue with the garage being located on their property.
- Ms. Tuttle questioned what about the property to the south between the garage and the fence that she has always maintained and uses as a barrier for her animals.
- Mr. Worthy stated they would like the fence removed, which can be done at Ms. Tuttle's convenience; however, they are giving up approximately 1800 square feet of property and if they include the portion of property between the garage and the fence on the south of the site then that would be approximately 2800 square feet of property, which they are not willing to do.
- Mr. Bussard confirmed that they would be deeding enough property to provide access to the garage, plus the garage and 3 feet around the garage.
- Mr. Worthy confirmed that they would be deeding property from 3 feet behind the garage and on each side of the garage all the way to Ms. Tuttle's property line, which would become one solid piece of property.
- Ms. Tuttle questioned the time frame allowed for her to remove the fence.
- Mr. Worthy stated they would allow 2 to 3 months to remove the fence.
- Ms. Tuttle questioned if she could have until spring/summer to remove the fence and stated that she would continue to maintain the property until the fence is removed.
- Mr. Worthy stated that they had no problem with the fence being removed by spring/summer.
- Mr. Morris stated that the applicant is being generous by deeding the property with the garage located on it to the neighbor.
- Ms. Tuttle questioned if she could replace the gate across her driveway that was removed due to an agreement with the previous owner.
- Mr. DeAngelis stated that he had no problem with a gate being installed across the neighbor's driveway as long as the gate is not on their property.
- Mr. Mientkiewicz questioned if the white building located on the adjacent property to the north is on the property line.
- Mr. DeAngelis stated the white building located on the adjacent property to the north is on the property line.
- Mr. Mientkiewicz questioned what was planned for the bordering property from around the garage that is not being deeded to the neighbor.
- Mr. Worthy stated the property would be maintained but he is not aware of any future plans.

- Mr. Mientkiewicz questioned if the building located behind the garage was located on the subject property.
- Mr. Worth confirmed that the building located behind the garage was located on the subject property.
- Mr. Bussard questioned if the building would be used primarily for storage.
- Mr. DeAngelis stated that he is an industrial electrical contractor and would be using the building primarily to store the company lifts, small machines and leftover job material.
- Mr. Bussard questioned the type of truck traffic that would be generated as part of the business.
- Mr. DeAngelis stated his company only has 3 or 4 trucks that remain with the workers and they usually go straight to the job site and that the building would mostly be used for storage.
- Mr. Mientkiewicz questioned the type of repairs/improvements that would be made to the outside of the building
- Mr. DeAngelis stated he intends to fix the roof, paint the building and clean up around building.
- Mr. Morris questioned if the building would be inspected by the City and brought up to code prior to occupancy.
- Mr. Worthy confirmed that the building would be inspected by the City and brought up to code prior to occupancy.

Motion by Morris supported by Clark to grant approval to BZA-2010-016, Herbert Worthy, a use variance to allow the existing structure to be reoccupied for the purpose of allowing an electrical contractor warehouse/storage facility to operate within the R-1A, Single Family Residential District based upon a finding of “unnecessary hardship” as detailed in the Planning Director’s memorandum dated November 22, 2010 and conditioned upon the following:

1. The use variance is for Mario DeAngelis, Delta Electrical Services Inc., the hours of operation being from 7:30 am to 6:00 pm Monday thru Friday.
2. No outside storage permitted.
3. Any change of use must be brought before the Board of Zoning Appeals for approval prior to occupancy.
4. Proper permits for occupancy are obtained from the Building Department.
5. The site improvements be completed as indicated on the drawings dated August 8, 2010 with this application.
6. Removal of the sidewalk from the plans as there is no side walk in close proximity of the site (this is not considered a waiver of the requirement, if at a future date the City initiates a program for sidewalk along this corridor).
7. 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.
8. Installation of the required landscaping and parking lot resurfacing and striping no later than August 1, 2011.

9. Resolution of the garage encroachment belonging to the neighbor located at 13589 Huron River Drive.

The subject property is located at 13581 Huron River Drive. DP# 82-80-114-99-0016-000. Roll Call Vote: Ayes – Morris, Clark, Chandler, Mientkiewicz, Bussard. Nays – None. Motion Carried.

Discussion during the motion:

- Mr. Mientkiewicz questioned if the applicant vacated the building in the future would the building have to be torn down and replaced with a residential structure.
- Ms. Lyon stated if the building is vacated then any re-occupancy would require approval from the Board of Zoning Appeals.

B. BZA-2010-017, Italy American Construction, requesting a variance from the City of Romulus Zoning Ordinance Section 3.04(4), Detached Accessory Building Setbacks, to allow the detached accessory building to be located three (3) feet from the principal building. The Zoning Ordinance requires that detached accessory structures shall be located at least ten (10) feet from a principal building. Therefore, a seven (7) foot variance is required. The subject property is located at 35101 Wick Road, Romulus, Michigan. DP# 82-80-062-01-0070-300.

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

Frank Mastroianni, Italy American Construction, and Mr. & Mrs. Colbert, property owners, came forward to represent the petition.

- Mr. Mastroianni stated a variance is being requested in order to allow a new garage to be constructed in the same location as the previous garage, which was removed because it was decayed and damaged.

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. Mientkiewicz questioned if a garage door was proposed on both the front and rear of the structure.
- Mr. Mastroianni stated they are proposing a front and rear door on the structure in order to have access to the back yard.
- Mr. Mientkiewicz questioned what was being done to correct the standing water problem that existed between the old garage and the house.
- Mr. Mastroianni stated the garage size was reduced in order to increase the space between the house and the garage, which will allow the water to wash away and not get trapped between the two (2) structures.
- Mr. Bussard questioned if there was a house and garage constructed in 1951 when the property was developed.

- Ms. Lyon stated our records only indicate that the house was constructed in 1951.
- Mr. Bussard questioned if a building permit was obtained for the construction of the previous garage.
- Ms. Lyon stated there were no records found to indicate that a building permit was obtained for the construction of the previous garage.
- Mr. Bussard stated if there were no records found to indicate that a building permit was obtained then we do not know if a variance was granted for the previous garage.
- Ms. Lyon stated the City does have BZA records back to the early 80's and therefore, we do know that a variance was never granted to allow the construction of the previous garage, however, Ordinances have changed over the years and a variance may not have been required at that time.
- Mr. Bussard confirmed that the structure could not be placed in another location on the site in order to meet the required setbacks.
- Ms. Lyon stated because the only access to the property is from Wick Road it would be impossible to place the garage in another location without encroaching on other setbacks.
- Ms. Lyon also stated discussion with the Building Department noted that as long as the garage was constructed to the current 2006 building code then they had no problem with the location, in addition, a larger space is being provided between the two (2) structures and thicker drywall is being installed on the east wall.
- Mr. Mastrianni stated the thicker drywall is specifically used on the east wall of the garage in order to provide fire separation and control.
- Mr. Chandler questioned if any consideration was given to attaching the garage to the house.
- Mr. Mastrianni stated the garage is being constructed on the existing foundation, which has a garage floor and a rat wall and is not designed to be attached to the primary building.

Motion by Chandler supported by Morris to grant approval to BZA-2010-017, Italy American Construction, a seven (7) foot variance to allow the detached accessory building to be located three (3) feet from the principal building based upon a finding of "practical difficulty" as detailed in the Planning Director's memorandum dated November 18, 2010 and conditioned upon the following:

1. Proper permits are obtained from the Building Department.
2. The east wall of the garage be constructed of ½" drywall as required by the 2006 MRC to allow for a 1 hour fire separation.
3. Match the existing home.

The subject property is located at 35101 Wick Road, Romulus, Michigan. DP# 82-80-062-01-0070-300. Roll Call Vote: Ayes – Chandler, Morris, Clark, Mientkiewicz, 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 July 19, 2010.

9. Discussion

- Merry Christmas and Happy New Year to everyone!

10. Motion by Mientkiewicz supported by Chandler to adjourn the meeting at 7:33 p.m. Roll Call Vote: Ayes – Mientkiewicz, Chandler, Clark, Morris, Bussard. Nays – none. Motion Carried.


Donald Morris, Secretary
Zoning Board of Appeals