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5. *Parking Space Variance* – Section 14.01(f) requesting to allow 25 parking spaces where 26 parking spaces are required. A variance of 1 parking space is requested.
6. *Loading Variance*- Section 14.03(b) which requires 1 loading space. The applicant is requesting that no loading space be provided.

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

- B. BZA-2011-009; Paul Robakiewicz requesting a non-use variance from the City of Romulus Zoning Ordinance to Section 3.04(a) (3) (b) to allow a 4,800-square foot pole barn. A variance of 2,400 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 feet.

The subject property is located at 10347 Hannan Road. DP# 82-80-071-99-0011-702

6. Old Business
7. New Business
8. Communications
 - A. Resolution for Dan Bussard
 - B. Board of Zoning Appeals Rules of Procedure
4. Motion by Mientkiewicz supported by Long to approve the minutes of the regular meeting of the Board of Zoning Appeals held on November 2, 2011. Roll Call Vote: Ayes – Mientkiewicz, Long, Morris, Zilka, Chandler. Nays – None. Motion Carried.
5. Petitions
 - A. BZA-2011-007; The Upscale Warehouse, requesting variances from the City of Romulus Zoning Ordinance as follows:
 1. *Front Yard Parking Setback and Greenbelt Buffer Variance* - Sections 7.05(b)(6) and 13.02(c) requesting a front yard parking setback and greenbelt buffer on

Vinewood of 7 feet 6 inches. Since a 15-foot front yard setback and greenbelt buffer is required, a variance of 7 feet 6 inches is requested.

2. *Parking Adjacent to Residential Setback Variance* – Section 7.05(b)(4) requesting a parking setback adjacent to a residential use of 3 to 10 feet where 20 feet is required. The 10-foot variance is requested along the northwest (adjacent to Lot 32) and west (adjacent to Lot 30) property lines and up to 17-foot variance (3-foot to 13-foot setback proposed) along the northeast and north (adjacent to Lot 9) property lines, adjacent to residential zoning.
3. *Buffer Variance* – Section 13.02(d) requesting a 3- to 13-foot wide buffer between commercial and residential property where 20 feet is required. The 7- to 17-foot wide variance is requested along west, northwest and portion of north and northeast property lines, adjacent to residential zoning.
4. *Fencing Variance* – Section 13.03(b) (2) requesting to allow the existing 6-foot chain link fence in the front yard to remain along Wayne Road and Vinewood. The Ordinance only permits a 3-foot high solid fence or 4-foot high wrought iron fence in the front yard.
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Let the record show that an affidavit of first class mail has been shown and is on file.

- Mr. & Mrs. Vincent Lewis, petitioners; Mr. MacWilliams, attorney; Mr. Bingham, architect; and Mr. Al-Saati, engineer; came forward representing the petitioner.
- Ms. Lewis yielded the floor to her attorney Melvin MacWilliams due to the fact that he has more knowledge of the ordinances concerning this project.
- Mr. MacWilliams stated that although this came before the Planning Commission some months ago, there are significant changes to the plans at this time. He stated the petitioner is requesting dimensional variances and not use variances and that the agenda is a good summary of what is being requested for the property. He also noted that the Planning Commission has already approved the project subject to some site plan changes and that it is his understanding that those were all addressed in the revised plans that were submitted.
- Ms. Maise corrected the statement that Mr. MacWilliams made in regards to the Planning Commission approving the Upscale project. She clarified that the Planning Commission tabled the site plan pending the outcome of the Board of Zoning Appeals action on the

variance requests and that it will be going back before the Planning Commission at the December meeting.

- Mr. MacWilliams asked if Ms. Maise is referring to the site plan approval.
- Ms. Maise stated yes and also the Planning Commission made a recommendation to the City Council to approve the special land use.
- Mr. MacWilliams stated that is a fair account of the Planning Commission's actions. They approved the special land use and tabled the site plan approval knowing the petitioner was coming before the Zoning Board of Appeals. He went on to say that the petitioner is trying to take a unique property, due to the shape, size and shallowness, and conform it to work within the ordinances. Based on the uniqueness of the property and the ordinance, the property is not going to be developed or used unless these dimensional variances are granted. He stated that he does not see any of the variances as being major and that this is a very minimal project for these type of variances. He summarized the variances and stated that the petitioner presented renderings to the Planning Commission and that the rendering presented tonight reflects the changes based on comments from the Planning Commission.
- Mr. Chandler read all the variances requested into the record.
- Mr. MacWilliams stated that he feels what has been submitted is appropriate because of the uniqueness of the property and that the literal enforcement will provide for practical difficulties for the users. And went on to say that none of the changes will be detrimental to the surrounding neighbors and he is prepared to answer any questions the Board members may have.
- Mr. Chandler commented that the rendering is quite nice.
- Mr. MacWilliams pointed out that the new rendering does reflect the vehicle pointing in the right direction.

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

- Ms. Monique Rusan-Waldon came forward with concerns regarding the buffering. She stated she has lived behind the building for ten years and she said that when the club was previously open for business it was intrusive to her life. She stated concerns in regards to the project and asked how it would affect her property lines.
- Mr. Chandler and Ms. Maise explained to Ms. Waldon that they would not be intruding onto her property at all and the buffer would be on the Upscale property.
- Pastor Rev. Willis came forward and stated that he has met with the petitioners and he is not in favor of the business opening in this area due to the close proximity to the churches. He stated that even though they received a waiver from the State of Michigan, he is opposed to this project based on what the business represents and what it could bring to the area.
- Mr. Morris questioned whether they have secured a waiver from the State of Michigan.
- Ms. Maise answered that they have obtained a Liquor License from the State of Michigan and also received approval on the transfer of the license from the City Council. She also noted that Planning Commission is recommending approval of the special land use to the City Council.
- Mr. Morris questioned whether the 500 feet has been waived.

- Ms. Maise answered that was done at the state level.
- Mr. Chandler questioned whether there would be any type of security, guards or doorman at the facility.
- Mr. MacWilliams answered that there would be appropriate security as required by the Liquor Control Commission and that this is a neighborhood type establishment and they expect that the security will be limited in nature. The petitioners will also participate in the training of the staff as required by the Liquor Control Commission.
- Mr. Chandler stated security is one of the concerns that Rev. Willis has in regards to what takes place outside of the building.
- Mr. MacWilliams stated that he believes the petitioners have addressed that issue to the satisfaction of the Liquor Control Commission during the full hearing and that the security is not relevant to the issue that is before the board tonight.
- Ms. Olivia Ross came forward as a 23-year resident of the neighborhood in support of the petitioners and stated she will welcome their business and hopes that other businesses will follow. She stated since Rev. Willis opened the barber shop on Wayne Road, it causes traffic disruption due to the fact that the driveway is not wide enough because it was previously a residential home and she also stated as far as the variances are concerned the city must be fair about it.
- Ms. Virginia Williams came forward and asked the Board of Zoning Appeals and the City Planner to work with the Lewis' so they can get this business open and also stated that the community welcomes them and to please be fair with them.
- Ms. Marie Butler came forward and stated she is glad to see a restaurant or any other type of business come to the Wayne Road community. And she also stated she is supportive of any business that will bring revenue to the city.
- Mr. Zilka questioned if Mr. Bingham has taken into consideration the Planning Commission's concern in regards to the masonry or vinyl fence along the rear property line and whether the petitioner is agreeable to it.
- Mr. Bingham answered that the petitioner has suggested that they will repair the existing fence to the satisfaction of the inspector and they feel that the fence and the ten feet of landscaping will provide quite a barrier. He noted that the landscaping and the parking is getting quite expensive, almost to the point that the exterior costs are going to be more than the construction inside the building. He questioned whether the ordinance requires it to be masonry.
- Ms. Maise read Section 13.02 (h) of the Ordinance which states that a six (6) foot masonry wall is required but the Planning Commission can approve a fence.
- Mr. Bingham stated that the existing fence can be repaired so that there is no transfer of sound, noise or light to the adjacent properties. He went on to give a brief history of his construction background and stated he is providing his services to the Lewis' for free because he is retired. He also went on to say that he has never had a project of this size have the requirements that this one has.
- Mr. Chandler stated that the requirements are due to the ordinance requirements and the uniqueness of the property. He went on to ask if the petitioner has inquired about other options in regards to the fencing.

- Mr. Bingham stated they have been at this project for 14 months and have changed the plans five (5) or six (6) times and stated that if the petitioner is required to put up a masonry wall the cost is going to be another \$5,000-\$6,000.
- Mr. Chandler informed Mr. Bingham that they have the option to do a vinyl fence.
- Mr. Bingham stated that the petitioner would like the option to attempt to repair the existing fence and once inspected, if it does not meet the satisfaction of the city, then the petitioner can explore other options.
- Mr. Zilka asked Mr. Bingham if he was at the Planning Commission meeting and heard the concerns of the adjoining property owners in regards to the need for a fence between the adjoining properties.
- Mr. Bingham answered yes, but that it shouldn't have to be masonry.
- Mr. Zilka clarified that the Planning Commission stated that the Ordinance requires masonry wall or vinyl fence.
- Ms. Lewis stated she would agree to the vinyl fence.
- Mr. MacWilliams replied that once this goes back before the Planning Commission hopefully the agreement to do the required vinyl fence will satisfy the Commission.
- Mr. Mientkiewicz questioned what the plan is for the white wooden fence along the northeast corner of the property.
- Mr. MacWilliams answered that it was his understanding that it would be replaced and rebuilt.
- Mr. Mientkiewicz questioned whether the petitioners own the white house next to the proposed site and whether anyone is occupying the home.
- Mr. MacWilliams answered that the petitioners do not own the home and that it is vacant.
- Ms. Maise stated the Building Director is currently working on that.
- Mr. Morris restated the variances to the Board members and that if the variances are passed tonight this will go back to Planning Commission to put the final touches on the proposed project.
- Mr. Chandler stated that as long as the Planning Commission makes sure that it looks like the rendering submitted tonight, we'll be all set.

Motion by Long supported by Morris to grant approval to BZA-2011-007; The Upscale Warehouse, requesting variances from the City of Romulus Zoning Ordinance as follows:

1. *Front Yard Parking Setback and Greenbelt Buffer Variance* - Sections 7.05(b)(6) and 13.02(c) requesting a front yard parking setback and greenbelt buffer on Vinewood of 7 feet 6 inches. Since a 15-foot front yard setback and greenbelt buffer is required, a variance of 7 feet 6 inches is requested.
2. *Parking Adjacent to Residential Setback Variance* – Section 7.05(b)(4) requesting a parking setback adjacent to a residential use of 3 to 10 feet where 20 feet is required. The 10-foot variance is requested along the northwest (adjacent to Lot 32) and west (adjacent to Lot 30) property lines and up to 17-foot variance (3-foot to 13-foot setback proposed) along the northeast and north (adjacent to Lot 9) property lines, adjacent to residential zoning.

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6. *Loading Variance*- Section 14.03(b) which requires 1 loading space. The applicant is requesting that no loading space be provided.

Approval is granted based on the City Planner’s recommendation upon a finding of “practical difficulty” as noted in items 1, 2, 3, 4, and 5 of the report and conditioned upon:

1. All gravel on the site including the Wayne Road right-of-way shall be removed and replaced with either curbed driveway, parking lot or lawn area;
2. The existing perimeter fence shall be replaced with a 6-foot high solid vinyl fence;
3. The trees (Cleveland select pear, hoopsi spruce and crimson king maple) proposed along the Vinewood frontage shall be moved to just outside the fence;
4. A solid hedge of eastern white pine and dwarf burning bush shall be provided inside the fence. Additional shrubs shall be included to provide a continuous hedge, with plantings spaced 2.5 - 3 feet on center;
5. Approval of the special land use by the City Council;
6. Approval of the site plan by the Planning Commission; and
7. Revised plans being submitted for review addressing all conditions of approval from the Board of Zoning Appeals, the Planning Commission, and the staff reports prior to review by the City Council.

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

Roll Call Vote: Ayes – Long, Morris, Mientkiewicz, Zilka, Chandler. Nays – None. Motion Carried.

- B. BZA-2011-009; Paul Robakiewicz requesting a non-use variance from the City of Romulus Zoning Ordinance to Section 3.04(a)(3)(b) to allow a 4,800-square foot pole barn. A variance of 2,400 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 feet.

The subject property is located at 10347 Hannan Road. DP# 82-80-071-99-0011-702

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

- Mr. Paul Robakiewicz came forward and stated he is a lifelong resident of Romulus and has been farming with his father for over 40 years. He stated in this day and age you have to have all the required equipment to run the operation. He explained that he farms over three hundred and fifty (350) acres in Romulus and Belleville and gave a brief description of all the equipment required. He also explained that he needs a pole barn with the square footage and height he is requesting to store all the required equipment.

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

No one came forward. Chairperson Chandler closed the public hearing and opened the meeting for comments by the Board as follows:

- Mr. Morris questioned whether he had any other buildings on the property.
- Mr. Robakiewicz answered no, that the buildings in question are located on what was his mother's property.
- Mr. Chandler questioned whether he owned the three hundred and fifty acres that he farms.
- Mr. Robakiewicz answered no, that he rents the land he farms.
- Mr. Chandler questioned whether it was the same property every season.
- Mr. Robakiewicz answered yes and gave the locations that he farms.
- Mr. Morris verified that Mr. Robakiewicz's property was just over eleven (11) acres.
- Mr. Robakiewicz stated his property was 11.64 acres.
- Mr. Mientkiewicz questioned the total height of the proposed pole barn.
- Mr. Robakiewicz answered that when the proposed pole barn is completed the total height will be between twenty six (26) and twenty seven (27) feet high.
- Mr. Mientkiewicz questioned whether the petitioner needs a variance for the height.
- Ms. Maise had a brief discussion with the petitioner as to the total height in regards to the door opening and the trusses.
- Mr. Mientkiewicz verified that the maximum height will be thirty (30) feet.
- Mr. Chandler questioned the wall height of sixteen feet and that the trusses were a 4 foot x12 foot pitch.
- Mr. Morris stated that the petitioner needs a variance for the 2,400 square feet and a variance for the height.
- Mr. Chandler questioned whether it was going to be a metal pole barn with a metal roof.
- Mr. Robakiewicz answered yes on both.
- Mr. Zilka questioned what color the pole barn was proposed to be.
- Mr. Robakiewicz answered the same existing colors around the farm now, red and white.
- Mr. Chandler read into the record a correspondence from Special Tree supporting Mr. Robakiewicz in his efforts to build the proposed pole barn.

Motion by Zilka supported by Mientkiewicz to approve BZA-2011-009, Paul Robakiewicz at 10347 Hannan Road based upon a finding of "practical difficulty" noted in items 1, 2, 3, 4, and 5 above and conditioned upon:

1. The pole barn being used for the storage of farm equipment and other household items only.
2. No home occupation or commercial activity other than farming shall use the pole barn.
3. Appropriate building permits being pulled as determined by the Building Department.
4. The pole barn height not to exceed thirty (30) feet.

The subject property is located at 10347 Hannan Rd. DP# 82-80-071-99-0011-702 & 82-80-071-99-0007-000.

Roll Call Vote: Ayes – Zilka, Mientkiewicz, Long, Morris & Chandler. Nays – None.
Motion Carried.

6. Old Business - None

7. New Business - None

8. Communications

- Mr. Chandler read the resolution for Chairperson Dan Bussard and stated they will make sure that it gets to Mr. Bussard.
- Mr. Chandler stated that last month the Commissioner's talked about Election of Officers and if there are any current By-laws. It was noted that Mr. Tom Williams a past member of the Board of Zoning Appeals, had been watching last month's meeting and provided the Board with a copy of the Rules and Procedures that he had from March 20, 1975. Mr. Chandler went on to say that he has read through them and found them applicable.
- Ms. Maise stated that the Board may have found some differences, one being that it was more expensive back in 1975. Ms. Maise went on to say that the Board may want to update the Rules and Procedures due to the changes in legislation, the Zoning Ordinance and changes in procedures. She went on to say that if the Board would like her to, she would take the first stab at updating it and get a rough draft back to them.
- Mr. Chandler indicated that prior to this evening he had never had a copy of the Rules and Procedures before.
- Mr. Mientkiewicz questioned if the titles of Chairman and Vice-Chairman are titles the Board is currently using.
- Mr. Chandler answered yes.
- Mr. Mientkiewicz stated he could not remember if the Board has a secretary or not.
- Mr. Chandler stated that they have only had a secretary in the recent years.
- Ms. Maise stated these are the type of things that can be discussed.
- Mr. Chandler stated that he thinks it's a very good idea that this subject came up and went on to congratulate Mr. Long in becoming a regular member of the Board.
- Mr. Long thanked Mr. Chandler and stated he was happy to be aboard.
- Mr. Zilka wanted to wish everybody a Merry Christmas.

- Ms. Maise stated that the Board will be having a Special Board of Zoning Appeals meeting on December 28th. She went on to say that the petitioner coming before the Board is an unusual case similar to the one you had recently. This one will require site plan approval and will have to go before the Planning Commission, and when it came in a few days ago it still had alot of things on the site plan that needed to be cleaned up. The project requires a front and rear setback variance and we're hoping to get revised site plans to you so they can move forward with their development.
- Ms. Maise questioned whether the Board members had all received their copies of the new Ordinance and whether they had had a chance to get on the website and take a look at it. She went on to ask if they would like it forwarded to them via email in the PDF format. She also asked the Board members to let her know if there were any changes that they see that need to be made as they make their way through it.
- Mr. Zilka questioned Ms. Maise if she was aware of what was taking place in the Huron River Drive and Pennsylvania area in various spots on the roadways.
- Ms. Maise answered that the Planning Department would contact the DPW and have them get back to Mr. Zilka as soon as possible.
- Mr. Chandler, on behalf of the entire Board wished everyone a Merry Christmas.

9. Discussion

10. Adjournment

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

lm



Donald Morris, Secretary
Zoning Board of Appeals