

MINUTES OF THE CITY OF ROMULUS REGULAR MEETING OF THE BOARD OF ZONING APPEALS HELD ON WEDNESDAY, JANUARY 5, 2022 ROMULUS CITY HALL COUNCIL CHAMBERS

- 1. The meeting was called to order by Chair Chandler at 7:00 pm and all participated in the Pledge of Allegiance.
- 2. Roll Call Showing: Sheldon Chandler
Jerry Frederick
Emory Long
Ken Mientkiewicz
Donald Morris

Excused: None

Also in attendance: Carol Maise, City Planner

- 3. Approval of Agenda:

MOTION by Frederick, support by Morris, to approve the agenda as published.

Roll Call Vote: Ayes – Frederick, Morris, Long, Mientkiewicz, Chandler. Nays – none. **Motion carried 5-0.**

Agenda

- 1. Pledge of Allegiance
- 2. Roll Call – Long, Mientkiewicz, Morris, Frederick, & Chandler
- 3. Approval of Agenda
- 4. Approval of Minutes - Board of Zoning Appeals regular meeting held on December 1, 2021
- 5. Petitions

A. BZA-2021-018; Wesley Green

Location: 13311 Hannan (DP# 80-118-99-0022-000)
Request: A variance from *Section 3.04(a)*, *Accessory Buildings* of the Zoning Ordinance to allow total accessory building size to exceed 1,750 SF; to allow height to exceed 17 feet; and for a reduction in the required 15’ side yard setback. A new 2,304-SF, 19’3/2” pole barn, set back 3’ from the side property line is proposed.
Project: Installation of a 2,560 SF pole barn

- 6. Old Business

A. BZA-2021-014; Ray’s Transport

Location: 11777 Harrison (Parcel ID #80-093-99-0054-000)

Request: A variance from *Section 8.04(b)(6)a. Access* of the Zoning Ordinance to allow a 39,950 SF distribution facility to have access on Harrison Rd, which is an unimproved gravel road. The ordinance requires that all drives used for truck traffic shall enter and exit to a City road identified as a truck route on the City's Truck Route Map.

Project: Construction of a 39,950 SF distribution building

7. New Business
 - A. Election of Officers
 8. Communications
 - A. City Planner's Status Report
 9. Discussion
 10. Adjournment
4. Approval of Minutes– Board of Zoning Appeals regular meeting on December 1, 2021

Motion by Mientkiewicz, support by Long, to approve the minutes of the regular meeting of the Board of Zoning Appeals held on December 1, 2021.

Roll Call Vote: Ayes – Mientkiewicz, Long, Frederick, Morris, Chandler. Nays – None. **Motion carried 5-0.**

5. Petitions:
 - A. **BZA-2021-018; Wesley Green**

Location: 13311 Hannan (DP# 80-118-99-0022-000)

Request: A variance from *Section 3.04(a).*, *Accessory Buildings* of the Zoning Ordinance to allow total accessory building size to exceed 1,750 SF; to allow height to exceed 17 feet; and for a reduction in the required 15' side yard setback. A new 2,304-SF, 19'3 1/2" pole barn, set back 3' from the side property line is proposed.

Project: Installation of a 2,304 SF pole barn

Wesley Green, 13311 Hannan, said that he would like to build the pole barn as described, behind the existing building. He could not add on to the existing building because of the power lines that are there. The existing building only has a 7-foot door which is not large enough for his equipment – two trucks and a tractor. He also had a travel trailer he would like to store in the pole barn. He did not want to create blight by leaving items stored outside.

Mr. Green said he was proposing to build the pole barn in line with the existing building so that everything was symmetrically correct and aesthetically pleasing. He had many tools that he had collected over the years to use to maintain the property, and he would like to protect the tools.

Chair Chandler advised that a notice of public hearing had been sent out by first class mail, with an affidavit on file.

Chair Chandler opened the public hearing. Seeing that no public indicated they wished to speak regarding this request, and confirming with the City Planner that no letters had been received regarding this matter, Chair Chandler closed the public hearing and brought the meeting back for Board discussion and/or a motion.

In response to questions from Chair Chandler, City Planner Maise said that the side yard setback request was to keep the line of the building consistent with the existing building. A 15 foot setback was required; the applicant was requesting a variance of 12' in order to place the structure 3 feet from the property line.

In response to questions from Member Morris, Mr. Green said the property was 85' wide and 960' deep, or approximately 1.75 acres.

In response to further questions from the Board, Mr. Green gave the following information:

- He was not planning on installing any windows in the building.
- They were not planning to immediately add a concrete floor; this might be done later, however.
- Recently there had been a bulldozer on the property because Mr. Green was grading the property in anticipation of constructing the pole barn. It was quite swampy in the rear, and he didn't want to flood the building or any of the neighbors during or after construction.
- The driveway going back to the pole barn would be asphalt.
- The actual height of the building would be 19'3-1/2". The sidewalls would be 16' tall. The roof pitch would be 4:12.
- The far east garage door will be taller than the others, in order to accommodate his travel trailer.
- Mr. Green was planning on starting construction in spring 2022.
- Access to the new pole barn would be via the current driveway, which circled in a horseshow pattern around the property. The north portion of the driveway will be extended back to the barn. When the driveway was constructed, the existing blacktop driveway will be replaced.
- Mr. Green did not know he needed to take further steps to obtain a certificate of occupancy for his home, which he had purchased August 30, 2021, and in which he was residing. He would contact the Building Department right away to discover what he needed to do to resolve that situation.

In response to questions from the Board, City Planner Maise gave the following information:

- The total square footage of all accessory buildings was represented in the variance request calculation.
- Regarding the driveway, City Planner Maise explained that tonight's draft motion had a condition regarding showing the access to the pole barn, as well as a requirement regarding listing materials to be stored in the barn.

Chair Chandler said he was ready to entertain a motion.

MOTION by Long, support by Morris, in the matter of BZA-2021-018, Wesley Green, 13311 Hannan, (Parcel ID #80-118-99-0022-000), and based on the Planner's Variance Review dated December 28, 2021, that the BZA grant the three variances from *Section 3.04(a)3b., Accessory Buildings* of the Zoning Ordinance, to allow total accessory building size to exceed 1,750 SF; to allow height to exceed 17 feet; and for a reduction in the required 15' side yard setback, in order to

construct a new 2,304-SF, 19'3 1/2" pole barn, set back 3' from the side property line, with the following conditions:

1. Additional information be provided to the Board regarding the specific items to be stored in the pole barn including a floor plan with the anticipated layout of equipment, vehicles and recreational equipment;
2. A more detailed plot plan showing access to the pole barn must be provided for Building Department review including proposed materials;
3. No home occupation or other commercial use shall be permitted in the accessory building and any home occupation on the property is subject to the standards of *Section 11.17(c)* of the Zoning Ordinance;
4. No additional accessory buildings are allowed on the property; and
5. A Certificate of Occupancy must be issued prior to issuance of any building permits for the pole barn.

Roll Call Vote: Ayes – Long, Morris, Mientkiewicz, Frederick, Chandler. Nays – None. **Motion carried 5-0.**

6. Old Business:

A. **BZA-2021-014; Ray's Transport**

Location: 11777 Harrison (Parcel ID #80-093-99-0054-000)
Request: A variance from *Section 8.04(b)(6)a. Access* of the Zoning Ordinance to allow a 39,950 SF distribution facility to have access on Harrison Rd, which is an unimproved gravel road. The ordinance requires that all drives used for truck traffic shall enter and exit to a City road identified as a truck route on the City's Truck Route Map.
Project: Construction of a 39,950 SF distribution building

Michael Brock, Hennessy Engineering, 13500 Reeck Road, Southgate MI, was present on behalf of this application for a variance in order to allow construction of a 39,950 square foot distribution facility with access on Harrison Road, an unimproved gravel road, when the ordinance requires that all drives used for truck traffic shall enter and exit to a City Road identified as a truck route on the City's Truck Route Map.

Paul Reschke, Spartan Real Estate Group Principal/Association Broker was also present.

Utilizing a PowerPoint presentation, Mr. Brock gave the background for this request and gave the following information:

- Ray's Transport was a small distribution company with many long haul type trucks that travel out west for weeks at a time.
- The property was between Goddard and Northline Roads, and Middlebelt and Inkster.
- The properties in the square mile bordered by those 4 roads were zoned either Industrial or Airport, with Harrison Road going north/south at the center of the square.
- They were requesting to use Harrison, an unimproved gravel road, for truck traffic between their property and Goddard Road. Their trucks would not travel south to Northline.
- There were industrial uses to the north. While the zoning was industrial, there were some residential homes along Harrison to the west, and along Goddard to the north.

- The neighboring property to the south was an existing industrial development. Vacant property across the street belonged to the Airport. The property to the north was vacant, with industrial products across the street to the north.
- Aerial schematics showed the overall site plan, with the detention basin in front of the 39,000 square foot building. The building itself was set approximately 140 feet back from the road, with vehicle parking in front of the building and trailer staging behind it.
- The landscape plan showed the extensive landscaping planned for the Harrison Road frontage, including a landscaped berm, and landscaping around the detention basin.
- Renderings of the building were shown.
- Ray's Transport would be set further back from the road than other industrial buildings along Harrison.
- Only the area needed for this project will be cleared of trees at this time.
- The culvert crossing the northwest corner of the property had been inspected by the City's engineer who found it met standards for truck traffic. Ray's Transport had agreed to place an asphalt cap over the culvert to strengthen it. Ray's Transport owner will enter an agreement with the City to fund extra road maintenance on Harrison Road, from the site driveway north to Goddard Road.
- Trucks would not travel south on Harrison.

City Planner Maise said the City Attorney had drafted the agreement between Ray's Transport and the City.

Mr. Brock emphasized that truck traffic would only be traveling north, and the exit point would be signed for "right-turn only" with an arrow directing trucks to turn right. The truck drivers would be working directly for the owner of Ray's Transport, and he would make sure the trucks followed the rules and turned north.

Chair Chandler advised that a notice of public hearing had been sent out by first class mail, with an affidavit on file.

Chair Chandler opened the public hearing.

Michael Daugherty, 11221 Harrison, was concerned about truck drivers urinating in bottles and throwing them on the side of the road.

Mr. Reschke explained that in this case, Ray's Transport will be providing facilities for their truck drivers; drivers would be working for Ray's. Facilities would include a drivers' lounge, showers, locker room, etc. There would be no reason for the drivers to urinate in a bottle as they left the site.

Additionally, the entrance of Goddard Road was only 1/3 of a mile from their entrance. The chances of one of their truck driver's having to use a bottle in the described manner was slim to none.

In response to follow up questions from Chair Chandler, Mr. Reschke said that the trucks would not be able to get to a high speed in the limited distance they had before reaching Goddard Road. There would be 12-15 trucks per day visiting the site.

Resident Frank (no last name/address given) said he lived immediately across the street from the proposed warehouse. Resident spoke several times and made the following points:

- During the last City election the candidates all promised no more truck traffic or warehouse businesses. Their goal was to make the city livable and better for all. Yet this was an application for a warehouse with truck deliveries.
- The culvert to the northwest of the subject site would not be able to handle the truck traffic; if the City has to repair or reconstruct the culvert, the City will be subsidizing this business.
- The truck business should not be located in this residential neighborhood.
- The City had been talking about paving Harrison since 1997. The residents did not want to have to pay for this through special assessments, especially when trucking companies would be the ones who benefitted.
- Harrison Road was a hazard currently, too dangerous for children to use to walk or bike along. There were no sidewalks.

City Planner Maise reminded the Board that the conditions of Planning Commission approval, along with conditions that would be attached to tonight's motion should the variance be approved, required the applicants to help mitigate the effects of additional truck traffic between their driveway and Goddard Road.

Mr. Reschke said the entire process had been ongoing for 2-1/2 years. They had paid for testing the culvert, and were willing to enter an agreement (renewable 5-year contract) with the City regarding maintenance of the portion of Harrison that would be used by their trucks. They would help fund additional grading events, as well as increased dust control spraying several times a year.

Mr. Reschke said they were cognizant regarding the residents' concerns and would do their best to mitigate those concerns. They did not have control over other people's habits or use, but they would make sure their truck drivers and employees would be respectful of the neighborhood and the community. Issues spoken about this evening would be non-issues in terms of Ray's Transport drivers and business activities.

James Perry, 11253 Harrison, said he lived next door to this proposed facility. He had the following concerns:

- Noise from trucks taking off and slowing down.
- Why weren't there berms on the side of the property facing his property?
- Trucks traveled fast from Goddard going south to other industrial facilities, or to Northline.
- One business on Harrison brought in cars only early in the morning, which cars then left about 4:20 in the afternoon. The residents needed more businesses like this. With the new trucking business, Mr. Perry was afraid he was not going to be able to enjoy his property in the late afternoon/evening.
- Calcium chloride dust control sprays had a corrosive effect on cars.

Chair Chandler asked the hours of operation. Mr. Reschke said most traffic would be between 8am – 5pm, though they were committing to 7am – 7pm hours. Rays Trucking was a one-shift operation. The distance between their driveway to Goddard was approximately 1300 feet; the trucks would not be able to speed up in that short distance.

Mr. Reschke said the residents' comments were not falling on deaf ears. He emphasized their traffic would be slow. Also, they were not tenants, but owned the property and already had put a lot of money into it.

Mr. Brock reiterated that the subject site and all surrounding properties were zoned industrial. They were hoping the road would be paved in the near future. This request represented their best attempt to find a short time solution in order for the business to be open and operating.

Mel Koslowski, 11095 Harrison, gave some of his personal history before moving to his present location. He said he had been excited to find his niche home on Harrison, and was not prepared for it to now become an authorized truck route. Already trucks on the road were very loud, especially as they hit potholes in the dirt road, and the dust control in summer was very bad. When the city graded without immediately putting down dust control agents, he could not see out his car windows due to the dust. 15-20 trucks a day would double the truck traffic on Harrison.

City Planner Maise said this section of Harrison was in the TIFA (Tax Increment Finance Authority) District. TIFA had prioritized paving this section of Harrison Road. This was the only unpaved section of Harrison Road in this general area.

Amy Daughtery, 11221 Harrison, was concerned about hours of operation. She knew from experience that truckers who arrived at 2 a.m. would wait in the warehouse parking lot with their lights on and engines running until someone showed up at the office at 8 a.m.

In response to questions from Ms. Daughtery, City Planner Maise explained the difference between M-1 Light Industrial, M-2 General Industrial, and M-T Industrial Transportation District. Semi-trucks were allowed in M-1 Districts.

Norm Davidson, 11904 Inkster, asked if Harrison Road in this area was considered a truck route. He asked if two trucks would drive side by side on Harrison (one in each direction).

City Planner Maise said until the road was paved, it could not be considered a truck route. The applicants were seeking a variance this evening for their trucks to be able to use a dirt road for access, until such a time as Harrison was paved in this small 1 mile area.

Mr. Brock said this section of Harrison was not heavily trafficked, and two trucks could use the road at the same time.

City Planner Maise said the revised plan would be required to show full truck turning movements.

In response to a question from Ms. Daughtery, Chair Chandler said the City was responsible for maintaining the culvert.

Julie Grech, 11171 Harrison, said some of her neighbors were not here this evening because they felt their voices would not be heard. She noted concerns that had been raised previously, including trash, speed bumps, and speeding vehicles in general. Currently, as soon as the road was graded, the “washboard bumps” reappeared because of cars speeding south from Goddard. Dust prohibited residents from ever opening their windows. Other industrial uses on Harrison were very poor neighbors, in terms of leaving their trash outside and blowing around, for residents to have to deal with. She supported paving the road.

Ms. Grech asked about a 20-page agreement she had seen, between the City and the applicants.

City Planner Maise said the agreement was not finalized but was a proposal only.

Mr. Koslowski asked who would be doing the grading and spraying of the road. Chair Chandler explained that Ray's Trucking would pay for the City's DPW department to perform the extra grading and dust control on the road.

Tony Grech, 11171 Harrison, said he had lived in his home since 2000, and in all that time had never seen 2 semi-trucks use the road side-by-side at the same time; he did not think there was room for them to do this. He was concerned about potholes that returned in 2-3 days after grading, and the fact that they did not have timely dust control after the grading.

In response to questions from Mr. Koslowski, City Planner Maise said that if this section of Harrison were paved, it would become a truck route. If more than 20 trucks came to the new warehouse per day, a traffic impact study would be required.

Seeing that no other public indicated they wished to speak, Chair Chandler closed the public hearing and brought the matter back to the Commission for discussion and/or a motion.

Member Long asked when Ray's Transport purchased this property. Mr. Reschke said they had purchased the site in 2017.

Member Long said he could sympathize with the applicant and the residents. The applicant had purchased the property knowing Harrison was not a truck route. The applicants lived in an industrial district knowing that industrial development could continue to occur. He wanted the residents to know he appreciated them and their concerns had been heard, and felt this was a tough decision to make.

Member Frederick addressed the concerns that had been stated during public comment. Chloride had been used to control dust on dirt and gravel roads for many years. The road should improve for the portion between Goddard and the applicant's facility, as more chloride applications would be used throughout the area. He did not feel the truckers employed by Ray's would be littering the small section of Harrison they would be utilizing. Additionally, any new development on the road would help get it paved more quickly. According to TIFA this section was scheduled to be paved in 2021-21, but during the pandemic priorities were re-balanced. The paving was still on the docket to be completed soon. It was quite incredible that this mile of Harrison had never been paved, and it needed to be paved going forward. The Zoning for the area was M-1, which was industrial use; the City could not prohibit this use in areas zoned specifically for it. A property owner had the right to use their property for a permitted use.

From the audience, a resident asked what would happen if a trucker turned south instead of going north to Goddard.

City Planner Maise said the trucker ran the risk of a ticket. Ray's Transport would also be held accountable for repeated violations.

Chair Chandler indicated he was ready to entertain a motion.

MOTION by Frederick, support by Morris, in the matter of BZA-2021-014, Ray's Transport, 11777 Harrison Road, (Parcel ID #80-093-99-0054-000), and based on the Planner's Variance Review dated December 28, 2021, that the BZA grant a variance from *Section 8.04(b)(6)a. Access of*

the Zoning Ordinance to allow a 39,950 square foot distribution facility to have access on Harrison Rd, which is an unimproved gravel road. The ordinance requires that all drives used for truck traffic shall enter and exit to a City road identified as a truck route on the City's Truck Route Map. The variance is subject to:

1. A revised site plan being submitted for administrative review;
2. A maintenance agreement between the developer (property owner) and the City for the gravel road shall be agreed upon, finalized, signed and recorded prior to submittal of engineering plans;
3. The culvert shall be inspected within 5 years from this approval and at the time reanalyzed for any loading rating restrictions;
4. Truck traffic shall travel south on Harrison from Goddard to the site then exit and go north towards Goddard; no left turns onto Harrison from the site are permitted;
5. If average daily trips exceed 20, a trip generation analysis will be required; and
6. The applicant shall quitclaim deed 43' of right-of-way to the City.

Roll Call Vote: Ayes – Frederick, Morris, Chandler. Nays – Long, Mientkiewicz. **Motion carried 3-2.**

City Planner Maise and Member Frederick thanked the residents for their input and Member Frederick asked them to stay active in terms of following up with TIFA, regarding paving this section of Harrison Road.

7. New Business:
 - A. Election of Officers

MOTION by Frederick, support by Long, to re-elect the current slate of officers:

Sheldon Chandler, Chair.
Kenneth Mientkiewicz, Vice-Chair
Donald Morris, Secretary

Roll Call Vote: Ayes – Frederick, Long, Mientkiewicz, Morris, Chandler. Nays – None. **Motion carried 5-0.**

8. Communications:
 - A. City Planner's Status Report
 - City Planner Maise reviewed the City Planner's Status Report dated December 28, 2021.
 - No meeting scheduled for February.

9. Discussion: None.

10. Adjournment

Motion by Long, support by Frederick, to adjourn the meeting at 8:50 p.m.

Roll Call Vote: Ayes – Long, Frederick, Morris, Mientkiewicz, Chandler. Nays – None. **Motion carried 5-0.**



Donald Morris, Secretary
Zoning Board of Appeals

/cem