

**CITY OF WIXOM
ZONING BOARD OF APPEALS MEETING
49045 PONTIAC TRAIL
MONDAY, FEBRUARY 8, 2016**

Approved
3/14/16

The meeting was called to order by Chairman Caplan of the Zoning Board of Appeals at 7:30 p.m. at which time allegiance was pledged to the American flag.

BOARD: Jeff Caplan (Chairman), David Berry, Steve Winters, Peter Behrmann, Ray Konchel and Tom Marcucci
ABSENT: Joe Barts (Excused) and Michael Schira
OTHERS: Carol Maise (CIB Planning) [On Behalf of Carmine Avantini] and Nancy Fisher (Recording Secretary)

Determination of a Quorum:

A quorum of the Zoning Board of Appeals was present for this meeting.

Agenda:

Chairman Caplan noted that the second item under New Business (Wixom BP) was administratively removed.

Approval of the December 14, 2015 Zoning Board of Appeals Meeting Minutes:

MOTION and seconded by Boardmembers Konchel and Winters to approve the December 14, 2015 Zoning Board of Appeals Meeting Minutes.

VOTE:

MOTION CARRIED

Correspondence:

City Manager's Update – January 12, 2016
City Manager's Update – January 26, 2016

Call to the Public:

There were no comments made by the public.

Unfinished Business:

There was no unfinished business listed on the agenda for this meeting.

New Business:

1. PUBLIC HEARING FOR ZBA CASE #013-015: ALPHA DRIVE MULTI-TENANT COMMERCIAL, 49250 ALPHA DRIVE, WIXOM, MI 48393: The applicant is requesting variances from Section **18.06.050, Height and placement requirements**, to: 1) allow a 33.4 foot front yard building setback when a 50 foot setback is required; and 2) allow a 4.5 foot parking lot drive setback when a setback of 10 feet is required. The Wixom Municipal Code requires approval of dimensional variances from the Zoning Board of Appeals when it can be shown that Ordinance standards have been met. The property is zoned FS, Freeway Service District, and the parcel number is 22-08-326-019.

Tim Ponton, Stonefield Engineering, 28454 Woodward, Royal Oak. He is the civil engineer for this project. He showed a large depiction of the property and its layout. There is a gas station to the south,

Royal Truck & Trailer to the north and Menards across the street. He is proposing mixed use retail with 73 parking spaces. He had a significant number of meetings with Mr. Avantini and submitted two to three different plans. He requires two variances: 1) front yard setback – 50 feet is required but they are situated on a corner lot and they have two front yards. The lots are only 82 feet wide so it is impossible to meet the 50-foot setback and have proper circulation for safety. They can only access it via Alpha Drive; 2) a 4.5-foot parking setback – they provide 10.7 feet for 250 feet deep along Wixom Road. However, when it gets to the rear, it moves down to 4.5 feet. For all intents and purposes, if it was located closer to the road, they would meet the Ordinance requirements.

Chairman Caplan noted that he has reviewed the Minutes from the Planning Commission meeting where the Planning Commission reviewed and moved on this matter. He asked whether this complex will be a 3-tenant building with one restaurant. The applicant said yes and that Sherwin-Williams will occupy 3,500 square feet. The remaining occupants will likely be restaurants. In response to Chairman Caplan's question, the applicant said that they do meet the parking space requirements. Boardmember Marcucci asked how much of a variance is required in the back. The applicant said they are at 4.5 feet where 10 feet is required. Boardmember Marcucci asked about Alpha Drive. The applicant said they have 33.4 feet where the road takes a jog. They have enough room in the back. In response to Boardmember Marcucci's question, the applicant said that the individual who sold them the property is the one who owns the property to the east.

Boardmember Konchel asked whether semi-trailers will pull in. The applicant said that they would and that the largest would be the Sherwin-Williams trucks. Boardmember Konchel noted that there are three doors on the east side of the building. He asked whether they are for purposes of egress. The applicant said they are for loading and unloading. Chairman Caplan noted that the Fire Department has reviewed the plans and they approve. Boardmember Marcucci does not have a problem with the applicant's proposal. Boardmember Behrmann asked whether there is an issue with the dumpster being within the 10-foot setback. Chairman Caplan does not believe so but suggested that any motion should make clear that it will be contingent upon approval of the Planning Commission.

Boardmember Konchel asked whether it is the intent to have long semi-trailers pull in against the second driveway and turn around after loading and is that what necessitates the variance? Boardmember Marcucci noted that there is no parking. The applicant said no, it is just a drive which will be mostly utilized by trucks. There should be some employees in the rear and loading and unloading operations.

Boardmember Berry asked the applicant whether it purchased the property prior to having a plan for its development. The applicant said that they put it under contract. Boardmember Berry asked the applicant to elaborate on the practical difficulty requiring the variances. The applicant said that the overall lot width is 82 feet. Most Zoning Ordinances require widths much larger than 82 feet. It is a pretty large piece of property (almost 2 acres). They want 7,520 square feet which is not a lot of density overall. It is the geometry of the lot which causes the hardship. If you look at the property across the street, they will be aligned directly adjacent to the roadway. This is consistent with the general condition of the area.

Chairman Caplan noted that a big part of the practical difficulty is the corner lot with two front yards and the irregular shape of the curb. Boardmember Berry said that he can see that and assumes that when the property was purchased, Alpha Drive, the access road, was plotted. The applicant said that initially the driveway was moved back. However, as discussions with the City's traffic consultant evolved, the consultant thought that the driveway should be located as far back as possible for reasons of safety. Boardmember Berry noted that Alpha Drive creates some of the problems with this property as well.

Boardmember Berry noted that Mr. LaMourie's comments indicate there should be a cross access easement. He asked Ms. Maise whether that is currently on the site plan. Ms. Maise said that it was

addressed during site plan review as a condition of approval that will be addressed during construction review. The applicant said that it will provide something to the rear piece of property so there would be proper circulation. Chairman Caplan noted that the dumpster will not be in the way. The applicant said that the dumpster may have to be shifted but this can be reviewed and approved administratively. Chairman Caplan noted that if approved, it must be contingent upon the approval of the Planning Commission.

Boardmember Berry stated that particular aspect of this development comes from Progressive. The applicant said that he agrees to all items except the recommendation for the ring road which was discussed at the Planning Commission. He agrees to provide a through road. Mr. LaMourie requested that they could create the final leg to the 4-leg intersection outside of the development. However, the applicant's property is such a small part of that, it does not make sense. He is willing to create a punch out for an easement at a later date.

Chairman Caplan thinks it is a pretty nice plan and has been reviewed by the Planning Commission.

MOTION and second by Boardmembers Berry and Behrmann to approve #013-015, Alpha Drive Multi-Tenant Commercial's request for variances from Section 18.06.050, Height and placement requirements, to: 1) allow a 33.4 foot front yard building setback when a 50 foot setback is required; and 2) allow a 4.5 foot parking lot drive setback when a setback of 10 feet is required. The practical hardship is that the lot does not conform to what the applicant wants to accomplish with the property. The property is located at 49250 Alpha Drive, Wixom, Michigan 48393, is zoned FS, Freeway Service District, and the parcel number is 22-08-326-019.

VOTE:

MOTION CARRIED

2. **PUBLIC HEARING FOR ZBA CASE #001-16: WIXOM BP, 31331 OLD WIXOM ROAD, WIXOM, MI 48393:** The applicant is requesting a use variance to allow the expansion of fuel pumps for a mini-mart when **Section 18.20.030, Nonconforming uses**, does not allow the expansion of nonconforming uses. The Wixom Municipal Code requires approval of a use variance from the Zoning Board of Appeals when it can be shown that ordinance standards have been met. The property is zoned VCA, Village Center Area, where gasoline service stations are not permitted uses and the parcel number is 22-06-200-036. **REMOVED ADMINISTRATIVELY**

Ms. Maise said that this matter was removed administratively when it was discovered that it was part of a Consent Judgment and that as part of the Consent Judgment, variances are not permitted.

Call to the Public:

None.

Staff Comments:

Ms. Maise noted that Ms. Gallo asked her to remind the Boardmembers about the Planning and Zoning event for which she sent them invitations. Either Ms. Gallo can register them or they can self register.

Board Comments:

Boardmember Berry noted that he has seen structures popping up around the City; i.e., there is one on Potter Road on the north side (the back building). He wonders whether these are all appropriately permitted and hopes that the City is monitoring potentially unlicensed projects.

Boardmember Berry referenced the most recent Planning Commission meeting involving the proposed new housing development (Stonegate Village). He attended and felt that the Planning Commission's decision was very beneficial for the City. Boardmember Marcucci asked whether there is room there for single family homes. Boardmember Berry said that was what the applicant had been pushed back into and that its proposal was for almost 300 apartments. He noted that one of the neighbors from Norton Creek brought in pictures showing the anticipated impact, a 2-3 foot increase in water levels during spring/periods of high rains.

Adjournment:

This meeting of the Zoning Board of Appeals was motioned and adjourned at 8:00 p.m.

Nancy Fisher
Recording Secretary