

**CITY OF WIXOM
ZONING BOARD OF APPEALS MEETING
49045 PONTIAC TRAIL
MONDAY, APRIL 9, 2018**

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, Joe Barts, Steve Winters, Peter Behrmann, Ray Konchel, Tom Marcucci and Michael Schira (7:32 p.m.)

ABSENT: None

OTHERS: Carmine Avantini (CIB Planning) and Nancy Fisher (Recording Secretary)

Determination of a Quorum:

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

Agenda:

No additions or changes were made to the agenda.

Approval of the January 8, 2018 Zoning Board of Appeals Meeting Minutes:

MOTION and seconded by Boardmembers Winters and Berry to approve the January 8, 2018 Zoning Board of Appeals Meeting Minutes.

VOTE: **MOTION CARRIED**

Correspondence:

City Manager Update – March 13, 2018

City Manager Update – March 27, 2018

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 VARIANCE #001-18: D&V WIXOM ENTERPRISES, 48473 WEST ROAD, WIXOM, MI, 48393:** The applicant is seeking a variance to allow a one (1) foot setback from the rear and side yards for outdoor storage when a 20-foot setback is required under **Section 18.090.040(F)(2)**, Outdoor Storage, of the Ordinance. The Wixom Municipal Code requires approval of a dimensional variance from the Zoning Board of Appeals when it can be shown that Ordinance standards have been met. The property is zoned M-1, Light Industrial, where outdoor storage is a special land use accessory to an industrial use in that district. The parcel number is 96-22-08-100-063.

Jesse Parkinson, GreenTech Engineering, Inc., 51147 W. Pontiac Trail, Wixom and Tony Cavaliere, 6045 Sims Drive, Suite 2, Sterling Heights. Mr. Parkinson noted that the applicant is located near two like zonings, to the south, east and west. He provided letters from two of those neighbors stating they do not have an issue with outdoor storage and rear outdoor storage to the west and the south. There is no concern with the property owner to the east and their biggest concern is that there is an old fence on the property line. That neighbor would like to have some input on the type of fencing installed. It will be a

black, chain link fence with metal meshing. That property owner is concerned about site drainage. However, they have maintained all drainage onsite. It gets to the storm sewer and eventually to the pond on the property. They hope to provide some of the outdoor storage on the rear yard along the outside of the property at the rear and side property lines and still provide access for fire apparatus and the ability to maneuver onsite. He is requesting a 19-foot variance along the outside. The 1 foot includes a footing for the fence without encroaching on the neighbor's property and 2 feet for a vertical curb detail to grade the gravel over time and maintain it.

Boardmember Berry asked the applicant whether the materials stored onsite will be for resale or construction. Mr. Cavaliere said they will not be for resale but will be his own materials for jobsites and construction. Boardmember Berry asked the applicant whether the materials will be corralled inside cement structures. Mr. Cavaliere said there are squares in the middle that are bulk material containers and bin blocks. He also anticipates eventual skids of PVC pipe as well as pickup trucks and construction equipment on the perimeter. He does not anticipate building bin blocks up against the property line. Boardmember Berry asked the applicant whether he will have a structure like Angelo's. Mr. Cavaliere said he would like to but not for material that is sold to the public. It would only be for materials which would be loaded onto trucks to be taken to jobsites. Boardmember Berry asked the applicant about the size of vehicles he will use and whether he has any 40-yard vehicles. Mr. Cavaliere said that he does have a couple of semi's but most would be 5-10 yard tandem axle dump trucks. Boardmember Berry asked the applicant about the material deposited there including big pilings and cement structures. Mr. Cavaliere said that it will be removed. Boardmember Berry asked the applicant about water runoff. He said that he walked the applicant's site and noticed a lot of standing water which comes from the neighbor's property. What about what can drift over from the adjacent lots? Mr. Parkinson noted that the entire rear yard storage area is curbed and everything flows internally into the storm catch basin which gets to the applicant's property. The City Ordinance requires 2 inches of volume storage over the entire site so they are providing that volume in the front pond. There is a restricted outlet on the 2.6 acres of the property in the front that gets to the ditch. Boardmember Berry confirmed with Mr. Parkinson that that water goes to the pond on the West Road right-of-way.

Chairman Caplan confirmed with the applicant that if he is bringing in materials he will stockpile and use his own on his jobs. Chairman Caplan confirmed with the applicant that he will comply with the recommendations made by the Planning Commission. Mr. Parkinson said yes. Chairman Caplan confirmed that the variance requested by the applicant is 19 feet from the Ordinance setback on one side in the back.

Boardmember Behrmann confirmed with the applicant that the storage is just behind the building and not on the side. Mr. Parkinson noted that they are required to screen as much of the storage yard as possible as well as add landscaping and plantings. There are gates along the front of the storage area that will be screened as well. Boardmember Behrmann confirmed with Mr. Avantini that it is not necessary to include this in the Boardmembers' motion.

Chairman Caplan noted that the applicant will be upgrading the site and that the Planning Commission has given it their blessing. It should look nice. Boardmember Barts noted that the applicant was amenable to what the Planning Commission asked for and it was mentioned that there will be storm water retention onsite and they are actually improving what is there. Boardmember Barts noted that the Planning Commission granted authorization to do this with special land use and site plan approval. He asked Mr. Avantini why the applicant needed to come before the Zoning Board of Appeals. Mr. Avantini said that one of the special land use standards is a 20-foot setback for outdoor storage. Some properties have outdoor storage right up to the road. In some cases, you need to have the 20 feet so it can be landscaped.

The Planning Commission cannot waive it and it had to come before the ZBA. This site is different. It is long and narrow. It would make it difficult to get emergency vehicles through there. It is a specific special land use standard.

Boardmember Berry asked whether the property was originally owned by the applicant. Mr. Avantini said that the applicant is purchasing it. Boardmember Berry noted that if it was explained to the applicant that they needed a special land use, that is a spot zoning kind of application plus needing a variance. Why did they go ahead with the site plan? What is their hardship? Mr. Avantini said it is a long, narrow lot. That area has a lot of lots with storage right up to the property line. Regardless of who owns the property, would they run into the same situation? He believes so since it makes maneuvering more difficult. It is located near like uses. The applicant's challenge relates to the property itself and not the purchasers themselves. Boardmember Berry noted that this is typically what is run into with residential variance requests. He is surprised to see this with an industrial site based on the fact that you are pushing the fences all the way out. The applicant is not meeting the setback requirements that are in the Zoning Ordinance for these types of applications? Mr. Avantini noted that the lots in the area of West Road and Wall Street were divided up in the 1960's. If they were divided today, they would make the lots wider and they would not allow them to be so narrow. He thinks that the applicant has done a good job of meeting all the other dimensional requirements. Boardmember Marcucci and Chairman Caplan agreed. Chairman Caplan believes it is conducive to provide the requested relief and it will enhance the property. Mr. Avantini noted that he and the City Attorney went back and forth on this. They looked at what the public benefit was in sticking with the strict standard and there was none since it sits so far back on the property. Chairman Caplan noted that it sticks with the abutting neighbors.

Chairman Caplan read into the record an April 2, 2018 letter received from John D. Munro of Munro Electric Company, Inc. indicating that he has no issue with supporting the applicant's request for variance.

Boardmember Behrmann asked how long ago they granted the last similar variance. Boardmember Barts recalls it was a very, very deep site and they talked about the drainage with the neighbor. It was pretty much the same thing. Mr. Avantini noted that there are all sorts of challenges with these industrial lots. Chairman Caplan noted that the Fire Department has reviewed it and given its conditional approval. Part of the 19 feet requested is to give the Fire Department room to maneuver.

MOTION and second by Boardmembers Schira and Winters to approve Variance #001-18, D&V Wixom Enterprises' request for a variance to allow a one (1) foot setback from the rear and side yards for outdoor storage when a 20-foot setback is required under Section 18.090.040(F)(2), Outdoor Storage, of the Ordinance based on the practical difficulty as cited in Mr. Avantini's April 2, 2018 review letter. The property is located at 48473 West Road, Wixom, Michigan 48393, is zoned M-1, Light Industrial and the parcel number is 96-22-08-100-063.

Roll Call Vote: (6) AYES: Caplan, Barts, Winters, Behrmann, Schira and Marcucci
(1) NAY: Berry
(0) ABSENT: None

MOTION CARRIED

Call to the Public:

There were no comments made by the public.

Staff Comments:

There were no comments made by the staff.

Board Comments:

Boardmember Berry noted that the ZBA deals with 'pencil' properties with residential and narrow lots for industrial. He hopes this will be taken up with the Planning Commission so that industrial properties, especially narrow lots, will be replatted and the industrial areas made larger. Boardmember Schira noted there are property ownership issues involved and the City cannot take away that property owner's right to develop their parcel and enforce a requirement that the lot be wider. Mr. Avantini said that the Planning Commission can look to see if they can be put into an industrial district to lessen the setbacks and lessen the requirements to make it easier to develop. He will let the ZBA know what he and the Planning Commission come up with. Chairman Caplan said that he does not see this as a big issue. Boardmember Schira agrees unless the City thinks it is chasing away property owners because they think it is too difficult to get a variance. Mr. Avantini said that if the City knows it is in the ballpark, he lets the applicant know up front. The ZBA no longer sees as many variance requests as it did previously.

Boardmember Berry said that the City needs to get someone to examine the messes. He noted that one facility he visited has a 300-gallon waste oil tank that is unprotected with piping and garbage laying all over the place. He thinks they are out of sight and out of mind. Mr. Avantini noted that he will pass this on to the Building Department and the appropriate officials.

Adjournment:

This meeting of the Zoning Board of Appeals was motioned and adjourned at 8:01 p.m.

Nancy Fisher
Recording Secretary