

**CITY OF WIXOM
ZONING BOARD OF APPEALS MEETING
49045 PONTIAC TRAIL
MONDAY, MAY 14, 2018**

APPROVED AS
AMENDED

6.11.18

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), Michael Schira, Steve Winters, Peter Behrmann and Tom Marcucci
ABSENT: Joe Barts (Excused) and David Berry (Excused)
OTHERS: Justin Sprague (on behalf of 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 April 9, 2018 Zoning Board of Appeals Meeting Minutes:

MOTION and seconded by Boardmembers Behrmann and Winters to approve the April 9, 2018 Zoning Board of Appeals Meeting Minutes.

VOTE:

MOTION CARRIED

Correspondence:

City Manager Update – April 10, 2018
City Manager Update – May 8, 2018

Call to the Public:

David Conlon, Owner of Adept Plastic, Wixom. He owns five buildings within the City, the building underneath the water tower and all of the vacant land in Alpha Tech. Accordingly, he has had a substantial investment in and involvement with the City for over 30 years. He feels the City's setback requirements are extremely reasonable and that they safeguard safety, privacy and aesthetics. The park is a gateway to the community and he thinks that Alpha Drive will connect to that road. He sees no need to grant the applicant's variance and he believes the City's Code is good.

Larry Huggins, Owner of Futuristic Car Wash. There are already more car washes than necessary. When it is an area for lease, people tend to draw more money out of it. He does not see a reason to grant the applicant's requests for variances. He only got one variance for himself. Trees were necessary to make the property look nice. A business making money will make that investment. He has only been here once before himself regarding signage in a mall that was not his. He does not believe that property is being as well maintained as it should be. The City wrote the rules and they are good rules.

Brian Blaskay, ZAX Auto Wash, 49160 Grand River, Wixom. The applicant's car wash is 1½ miles from three other car washes. The property is not the right size for this business since it would require three variances. He is worried about the 32-foot setback for the canopy since most canopies have big signs and lights. He wants to make sure they are not trying to get around the Sign Ordinance and other variances.

Unfinished Business:

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

New Business:

1. **PUBLIC HEARING FOR VARIANCE #002-18: MOTOR CITY CAR WASH, 49231 ALPHA DRIVE, WIXOM, MI, 48393:** The applicant is seeking variances to allow:
 - 1) a 10-foot front yard parking setback for a drive lane when a 20 foot setback is required;
 - 2) a 4.5-foot side yard parking setback when a 10-foot setback is required; and 3) a 32-foot front yard canopy

setback when a 50 foot setback is required. The Wixom Municipal Code *Section 18.22.030* 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, where car washes are special land uses in that district. The parcel number is 22-08-326-044.

Chairman Caplan informed the applicant that it would need to secure four of the five votes in order to have its request granted.

Shane Burley, Studio Detroit, 2111 Woodward Ave. Suite 1001, Detroit, MI 48201. He is the project architect. The applicant has three requests: 1) a 20-foot front setback for a parking variance. The practical difficulty is that there are setbacks on two sides combined with a radius corner which equates to almost a third of the property being subject to setbacks. They need to properly align the vehicles into the tunnel entrance for safety reasons. There is no parking up front. It is a driveway. The existing conditions at the Sunoco station next door has a parking island closer to the road (within 20 feet). The side and rear yard are about 5 feet; 2) A side yard setback of a 4.5-foot dimensional variance. They need to coordinate the stacking of vehicles for the tunnel. Culver's is to the south. They are 20 feet from Culver's to the proposed setback; 3) It is a corner lot. They are trying to accommodate stacking space. The 32-foot variance is for a portion of the canopy due to the curved nature. The majority of the canopy exists within the required setback. The canopy is 14 feet tall. There are no plans for any signage on the canopy. They have worked with the Planning Commission to accommodate allowable light levels. Motor City has been in the Wixom community for a long time and they actually manufacture the equipment. It is not a franchise. This is to promote their business.

Chairman Caplan confirmed with the applicant that it owns the property and that it will be owner occupied. He also asked the applicant whether they have attempted to comply with the Ordinance before making the requests for variances. The applicant said that is tricky since they require continuous flow including ingress and egress. The canopy station is on the west side. They were able to get everything in addition to incorporating landscaping. They added additional landscaping behind the Sunoco. It is a good fit for the site and they have accommodated the majority of the zoning requirements. Chairman Caplan asked whether they had considered a two-lane entrance. The applicant said that it pertains to the number of stacking spaces, both for the Ordinance and for practical purposes. They cannot allow traffic to back up onto Alpha Drive.

Boardmember Behrmann asked whether they can move the canopy back. The applicant said that he has looked at it but it still curves and it would hang over on the eastern side into the 50-foot setback. Boardmember Winters asked how long the applicant has owned the property. The applicant stated they have owned it since January 25, 2018. Boardmember Winters confirmed with the applicant that it purchased the property with the intent to place a car wash there. Boardmember Behrmann noted that all the existing traffic goes across Sunoco. The applicant noted that it is a shared egress and the property line splits down the middle. Boardmember Behrmann confirmed with the applicant that there is no way to get to the vacuum without going through the car wash. They will enter on the eastern side and proceed through the pay stations. After they go through the tunnel, they exit to the right. Then they check into the vacuum stations and leave. They have provided an escape lane for those who do not want to use the vacuum (a one way exit only). Boardmember Winters noted that the exit sign is almost close to the exit. The applicant said that they have been through Planning and things were adjusted and revisions made during that process.

Boardmember Behrmann inquired whether it is one price for the car wash and whether vacuuming is included since people will want to pull through trying to get to the vacuums. This will create more traffic with people trying to use the escape lane. The applicant said that there are 14 stations which they think is enough to accommodate traffic. They worked with Planning to develop ingress and egress locations.

Brian Blaskay, ZAX Auto Wash, 49160 Grand River, Wixom. The architect mentioned that a corner lot is bad because it is hard to fit the business onto although they specifically chose this site. In his experience, with the six stations and three lanes, the applicant is looking to wash at least 230-250 cars per hour. He is worried about congestion on such a small lot with a shared driveway in proximity to the other businesses. He knows of other car wash operators who have customers driving through to access vacuums.

Larry Huggins, Owner of Futuristic Car Wash, Wixom. He noted that the applicant said it does not plan to have any signs under its canopy. He has never seen a car wash without signs underneath the canopy. You have to in order to tell the public what services you are offering. He thinks they will need trees. Electronic or reader board signs are the new trend. Chairman Caplan noted that thus far the applicant is not approved for that. If the applicant requests that, it would have to be approved by the Planning Commission. Boardmember Behrmann asked Mr. Huggins what kind of setbacks he personally has with his business. Mr. Huggins said he has 26 feet to allow for the fire trucks. Boardmember Behrmann asked about the setbacks from the parking lot to the property line. Mr. Huggins said that it was whatever the City required; he actually gave them more. He noted that the applicant should know that this is not the best spot for a car wash and they should not give them a variance to do the wrong thing. The City has been doing a good job trying to improve that area and he sees this as a detriment and not an asset. He noted that the proposed building is nice but that 200 cars per hour is a lot of traffic.

David Conlon, Owner of Adept Plastic, Wixom. This is clearly a case of 10 pounds in a 5-lb. sack. This is the only FS lot remaining. The rest of the lots are all zoned IRO. It is .94 acres. That's roughly 40,000 square feet. The industry standard is 30 percent for building. They should be able to put a nice 10,000-12,000 square foot with no need for variances on that lot. Do not wreck a good thing. You do not need a car wash there.

Eric Lord, Atwell Engineers [no address provided]. He is the civil engineer and landscape architect for this project. The large sweeping radius on the northeast corner is very exaggerated. To mitigate some of the requests for smaller setbacks, they have to double the landscaping which should provide more than adequate screening. Boardmember Behrmann said that it seems well landscaped. He noted that they put a lot in there and that it looks nice. However, he feels the applicant probably needs a slightly larger piece of property. Boardmember Winters noted that the applicant purchased the property with the intent of building a car wash there. Chairman Caplan said that he likes the applicant's renderings and drawings.

Boardmember Behrmann asked whether it is operational or intended to be a showroom for the applicant's manufacturing since there are three other car washes nearby. Chairman Caplan thinks the applicant is just estimating capacity. The applicant said the conveyor is 80 feet long and that the conveyor speed determines how many cars can be washed. Increasing the speed means a lesser quality wash. This location is intended to showcase the applicant's newest equipment. There is a viewing area attached to the west tunnel so that clients can come in and view the washing process.

Boardmember Behrmann noted that he can possibly understand the first and second variances. Can the applicant do something to move it to a 2-car canopy or push it back? Will it be 50 feet back? The applicant said that it would be another 20 feet back. It is 5 feet on the north end and 9 feet on the east end. The curve cuts through there. He can look at pulling it back. He still needs 20 spaces. The canopy could be pulled back and shortened in width where the third lane does not have a cover or shift it to the west. Chairman Caplan sought to confirm that the approach would not change. The applicant said it would not, only the structure itself would change. Mr. Lord noted that even if they did some of those things, they could slightly improve upon the 32 feet but they would not get to 50 feet off the radius between Alpha Drive and Alpha Court. Boardmember Behrman asked what would happen if they moved the canopy back so it is directly behind the building one car length. The applicant answered this question by pointing things out on the renderings.

Boardmember Schira asked whether the gateway to the south, which is adjacent to the gas station, is continuously locked. The applicant said that gate would open when they pull up. It would prevent entry onto the site from the gas station. Boardmember Schira asked where it goes to if they make an immediate left. The applicant said it would go to the Culver's parking lot. Boardmember Schira said he can support the first two requests for variances but not the third.

Boardmember Behrmann asked whether 80 feet is the length required. The applicant said the length determines what you are trying to do based on the equipment and that longer tunnels give a better wash. This site will be a model for their company. They are trying to showcase it and use a standard wash.

Mr. Sprague noted that there are five standards which apply. They looked at the whole property. There is a lot happening on a small lot. However, it is not a corner lot. If it was on a non-corner lot of the same size, there would not be these setback issues. He thinks these are extraordinary circumstances. He understands the concerns about the canopy and does not believe the City would allow that. The Building Department would have to approve it. They will have two signs but not on the canopy. They are doing enhanced screening which is above and beyond. While there will be traffic with this

site, granting the variance would not create more traffic. It does not present any public safety issues. He recommends approval of the variance due to the two front setbacks with the conditions outlined in Mr. Avantini's review letter.

Boardmember Winters asked Mr. Sprague to clarify his comments about the traffic. Mr. Sprague noted that the Boardmembers have to look at whether granting the variance unreasonably increases traffic since there will already be traffic there. Twenty stacking spaces are required per the Ordinance and employee parking. Boardmember Schira asked whether he is suggesting that people who do not want a car wash would otherwise drive along Alpha Drive to drive through a vacant lot. Mr. Sprague said that it will not generate additional traffic and that it is a business appropriate for that site. Boardmember Schira said that his problem is that it is cramming too much into a lot which does not allow for less than three variances for this type of use. Boardmember Marcucci noted that it is a corner lot.

Boardmember Behrmann said that he would almost be okay with this if the applicant only needed a variance on one of the front yard setbacks. However, the fact that they need three variances indicates that the property is too small. It seems like they are trying to cram way too much into the space provided. He does not see this as a corner lot issue and thinks that is just an excuse. Chairman Caplan agrees. Mr. Sprague said that it relates to circulation. Variance Nos. 1 and 2 make sense. If one variance was expendable, it would be the canopy. However, if the applicant does not get the first two, circulation would be far worse. They would have to remove the driveway. Chairman Caplan said that people probably will not notice how packed it is once it is fully built. It will not look wall to wall but he understands the Boardmembers' concerns. Without the first two variances, the whole deal will not be viable.

Mr. Sprague recommended that the Boardmembers vote on the variances individually. Boardmember Schira noted that it is written as one variance request on tonight's agenda. Mr. Sprague said that he believes they constitute three separate requests and should be treated as such.

Larry Huggins, Futuristic Car Wash, Wixom. His brother owns a car wash in Taylor which faces Telegraph surrounded by side streets. There is 26 feet of buildable property in the middle. Without asking for any variances, he built a 26-foot wide building. If you only want to run 80-100 cars an hour, you only need one gate. He personally runs a fast line. You do not need that if you have an 80-foot tunnel. It is nothing to get 80 cars through one gate. The car wash is 166 feet for the conveyor. It is more than double that of the applicant's.

Mr. Sprague noted that the reason for the three gates is to accommodate the 20 required stacking spaces. If they remove all the gates and only have one, they still need 20 stacking spaces. Boardmember Behrmann asked whether they can have the gates without the canopy. Mr. Blaskay notes that he has a canopy but that a lot of car washes do not have them at all. Boardmember Behrmann noted that the second variance bothers him a little more since Culver's complied and a lot of the green space is Culver's and not theirs. Is it for the drive lane or just for parking? Chairman Caplan said it is the south side. Boardmember asked whether there is any landscaping in that 4 feet. Chairman Caplan noted that the City requires some.

Mr. Sprague noted that if the Boardmembers do not grant the third variance, the applicant will have to figure out how to comply with it. If they agree to a lesser variance, the ZBA can approve that or they can choose to table that specific variance if the applicant agrees and they would come back for the June ZBA meeting. Boardmember Schira noted that he would need to see any revised plans on paper before he could support a new plan. Boardmember Behrmann said that he feels there is a lot the applicant can do to shrink it down. He sees no reason to table it and is ready to vote on it tonight.

MOTION and second by Boardmembers Behrmann and Winters to approve #002-18, Motor City Car Wash's request for a variance for a 10-foot front yard parking setback for a drive when lane when a 20-foot setback is required

Roll Call Vote: (4) AYES: Caplan, Behrmann, Marcucci and Winters
(1) NAY: Schira
(1) ABSENT: Berry

MOTION CARRIED

MOTION and second by Boardmembers Behrmann and Marcucci to approve #002-18, Motor City Car Wash's request for a variance for a 4.5-foot side yard parking setback when a 10-foot setback is required.

Roll Call Vote: (4) AYES: Caplan, Behrmann, Marcucci and Winters
(1) NAY: Schira
(1) ABSENT: Berry

MOTION CARRIED

MOTION and second by Boardmembers Winters and Marcucci to table #002-18, Motor City Car Wash's request for a variance for a 32-foot front yard canopy setback when a 50-foot setback is required until the Zoning Board of Appeals' June, 2018 meeting.

Roll Call Vote: (3) AYES: Marcucci, Schira and Winters
(2) NAY: Caplan, Behrmann
(1) ABSENT: Berry

MOTION CARRIED

Call to the Public:

None.

Staff Comments:

Mr. Sprague noted that there will be a June ZBA meeting. Also on the June agenda will be a discussion of accessory dwelling units which requires the ZBA's interpretation of the Ordinance's intent. Currently, secondary dwellings above a detached garage are permitted. Someone made a request for that on Maple Road. The Planning Commission discussed this. Is the intent to allow accessory dwelling units only above garages or in the garages themselves or in an accessory building on the property? Chairman Caplan confirmed with Mr. Sprague that it is located within the VCA.

Board Comments:

Boardmember Behrmann noted that it was nice to have participation from members of the community during tonight's meeting.

Adjournment:

This meeting of the Zoning Board of Appeals was motioned and adjourned at 8:34 p.m.

Nancy Fisher
Recording Secretary