

**CITY OF WIXOM
ZONING BOARD OF APPEALS MEETING
49045 PONTIAC TRAIL
MONDAY, JUNE 11, 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), Joe Barts, Peter Behrmann and Tom Marcucci
ABSENT: David Berry (Excused), Michael Schira (Excused), Ray Konchel (Excused) and Steve Winters
OTHERS: Carol Maise (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 May 14, 2018 Zoning Board of Appeals Meeting Minutes:

MOTION and seconded by board members Behrmann and Marcucci to approve the May 14, 2018 Zoning Board of Appeals Meeting Minutes, **as amended.**

VOTE:

MOTION CARRIED

Correspondence:

City Manager Update – May 22, 2018

Call to the Public:

Mary Kay McEachin, 1465 Lakeside, Wixom. She works at Waste Management, right next to the Holiday Inn and across from the shipping containers being considered for temporary use. She passes by the site twice a day. There are currently 25 shipping containers onsite. She thinks that reflects badly upon the City. The running joke is that her business is located next to the “Wixom shipping yard”. The grass is overgrown and it looks like a junkyard so they now refer to it as the “Wixom junkyard”. They have people coming to their headquarters office from across the country including their Senior Vice President. This does not look good and may cause businesses to consider relocating outside the City. Board member Behrmann asked Ms. McEachin how long the containers have been there. She said at first there were only three. Then all of a sudden there were 25 and they have been there since the fall.

Unfinished Business:

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

New Business:

1. **PUBLIC HEARING FOR TEMPORARY USE ZBA CASE #004-18 – RITE FIELD CONSTRUCTION, 48918 ALPHA DRIVE, WIXOM, MI 48393:** The applicant is seeking temporary use approval to store construction trailers on private property opposite the Holiday Inn site while the hotel is being remodeled. The Municipal Code, **Section 18.22.060** requires approval from

the Zoning Board of Appeals for this request. The property is located at 48918 Alpha Drive, Wixom, MI 48393 and is zoned IRO, Industrial Research Office District. The parcel number is 96-22-08-326-028.

Chairman Caplan informed the applicant that it would need to secure a unanimous vote in order to get the relief it is seeking.

Monte Abdulnoor, Thrive Hospitality Group. He represents the Holiday Inn Express, Hampton Inn and the soon-to-be Springhill Suites. He understands that the containers are inconvenient and an eyesore. Unfortunately, they have no other space on which to store things on the property. It is very expensive and will help them to generate more revenue. Eventually, the property will look better. They will not need to keep the containers and he hopes to be done within 4-5 months. However, they currently need the containers in order to store items. They are paying rent for the land on which the containers sit. He will look into landscaping although he does not personally own the land. He will see what he can do even if the landlord does not take care of it. He wants to keep a positive relationship with the City. He pushed the containers back a full 25 feet when the City requested only 10 feet.

Chairman Caplan asked the applicant whether some of the containers have been emptied since they have been there since last fall. The applicant said that they have to wait on different vendors to send things (tiles, grout, furniture, etc.). It is all purchased through the hotel brand with long lead times in place. Sometimes the companies make mistakes and need to re-send the proper materials.

Board member Behrmann noted that he could not see the trailers from the freeway and so he drove back there. Clearly, some of the containers are not 25 feet from the road. They are scattered around and there is plywood lying on the ground. Some are at odd angles and it looks horrible. Without some kind of reassurance that they are cleaning things up, he will not vote to approve the applicant's request. The applicant came before the Zoning Board of Appeals (ZBA) previously but he does not think they are taking this seriously. The containers can be pushed closer together and organized in some way and the plywood picked up.

Mike Kassabri, Rite Field Construction, 7026 Edinborough, West Bloomfield. He is awaiting approval of a building permit to be able to proceed with construction. He will assure a 25-foot setback and will cut the grass. He can put in 1-foot by 3-foot crushed concrete so there will not be marks on the street in order to make it safe for everyone. They were asked to move them 15 feet.

Board member Marcucci asked Mr. Kassabri whether he has a building permit. Mr. Kassabri said that he does not; it is for the work inside the hotel. Board member Barts noted that the applicant mentioned the number of trailers and their compliance with that. On May 17, 2018, the application said there were 18 trailers. However, now there are 25. Mr. Kassabri said there are 22 offsite, not onsite but not on the actual property. Board member Behrmann noted that as of an hour ago there were 25 trailers spray painted with numbers on them. Board member Barts noted that the City brought it to the property owner's attention. Approvals were given, variances granted and concepts approved. The City has a lot of construction including large scale. This does not seem to be fair to the applicant's corporate neighbors. He does not understand where the applicant is in the building permit process if they have been working onsite since last fall. Mr. Kassabri noted that there was an injury and a holdup on the permit. It should happen by the end of this week. Board member Barts noted that there are moving parts which make it seem like the process has been rolling along for months without the proper paperwork. He feels the applicant is asking them to okay the problem. Mr. Kassabri said that no one told him they needed to come before the ZBA. The only letter he received said to push the containers back 15 feet. He applied for the permit and met with the Fire Marshall who told him to go before the ZBA for temporary use of the containers. He noted that he has done a lot of work in the City. Board member Marcucci asked the applicant when he applied

for the permit. Mr. Kassabri said he applied for the permit on March 21, 2018. Board member Marcucci noted that the trailers have been there since the fall. Mr. Kassabri said that he was not personally involved with the project at that time.

Board member Behrmann asked the applicant whether they would support putting down gravel and screening the containers if required. The applicant said yes. Chairman Caplan noted that the property does not allow outdoor storage. He suggested screening it with fencing and to organize the trailers in nice rows. He noted that the ZBA can grant up to one year but it does not need to be for the one year maximum and they will have to be taken down eventually. The applicant noted that the trailers arrive empty and are then filled.

Board member Behrmann suggested having a gravel drive with the containers organized and screened. The applicant noted that he just completed oversight of a renovation of a Comfort Inn which transitioned into a Baymont Hotel. Sometimes, as in that case, he will get lucky and the property is large enough to utilize parking spaces. It always goes on the property itself. Chairman Caplan noted that is an eyesore. Board member Marcucci said it looks like a train wreck. The applicant offered to screen it with a black temporary fence.

Mary Kay McEachin, 1465 Lakeside, Wixom. Ms. McEachin asked who will be responsible for following up with the applicant to ensure that he follows the requirements set tonight. Chairman Caplan and Board member Marcucci said that the City will follow up. Chairman Caplan noted that this property has been kept up well until recently and this is a temporary issue. Ms. McEachin asked whether these types of issues are handled on a case-by-case basis. Chairman Caplan noted that they are handled individually on a case-by-case basis.

Board member Marcucci noted that the motion should include screening, cleaning up the containers, and numbering them as well as placing a time limitation. Board member Barts agreed and said that he has stayed in that hotel but has never seen that many trailers during the construction process. Logistics are solvable problems. He knows of two companies which rent space for this exact type of project. He does not buy the applicant's argument. If there was not vacant land across the street, the applicant would be doing something different. Board member Marcucci asked about the trailers onsite. Board member Barts noted that parking is substantial due to the fact that it is joint. The applicant requested 18 trailers in its application. They now have 25. There needs to be a timeline. Board member Marcucci suggested limiting it to the 2018 calendar year. Board member Barts said that if the project gets delayed, the applicant can come back. Ms. Maise noted that the Board members can use fall 2017 as the start date for when the trailers were initially placed there since they can approve temporary uses for up to 12 months. Board member Barts suggested installing a 6-foot privacy fence with black mesh and a gate in the middle with 9 trailers on the right and 9 trailers on the left. However, temporary fences which can stand up to construction will be very expensive. Board member Marcucci noted that is done all the time. Chairman Caplan said that he is sold on the need for the fence and believes it is a necessary evil. Board member Marcucci noted that the grass needs to be kept cut.

Board member Behrmann noted that it appears that the applicant has already extended beyond the boundaries of the diagram. The applicant had a brief discussion with the Board members where the pointed things out on the site schematic. It was noted some of that is the Hampton Inn property. Board member Behrmann confirmed with the applicant the land which is being rented across the street from the Hampton Inn.

Board member Behrmann noted that at the last meeting there were discussions regarding the aesthetics coming into the park. Yet tonight, the applicant is asking for a storage facility. Board member Marcucci

noted that it is temporary. It needs to be limited to a certain number of trailers, screened and be under a time deadline.

Board member Barts noted that the City staff recommendation includes five criteria and refers to the provision of additional information by the applicant. The biggest thing is the duration. Board member Marcucci suggested using a deadline of December 31, 2018. The applicant agreed with this date. Ms. Maise noted that the setback in the IRO zone is 50 feet for buildings and parking. Mr. Kassabri noted that the 50-foot setback is for buildings and not for a temporary container which they will need for only a few months. It was determined that the lot is 200-300 deep. Ms. Maise noted that the parking setback is actually 20 feet. The applicant noted that he can do 25 feet.

Board member Behrmann asked the applicant how many trailers it needs. The applicant said within three months, they can reduce the trailers down to 10. Board member Behrmann said they want it cleaned up as much as possible. The applicant said that if it has to consolidate, it will. Board member Barts said he is willing to give them 25 trailers.

MOTION and second by Board members Barts and Behrmann to approve Temporary Use ZBA Case #004-18, Rite Field Construction’s request for temporary use approval to store construction trailers on private property opposite the Holiday Inn site while the hotel is being remodeled with the following conditions: 1) the outdoor storage must be removed from the site before December 31, 2018. If the applicant requires more time, arrangements will be made with the ZBA well in advance of the deadline; 2) the applicant will appropriately screen the outdoor storage area including the use of a temporary 6-foot fence along the entire frontage and both sides, front to back of the area the trailers are situated, to be approved by City staff; 3) the applicant may use up to 25 outdoor storage containers; 4) the applicant will comply with all applicable City building and safety requirements; 5) there will be a 25-foot setback from the road to the fence line where the gate is; 6) all trailers will be lined up symmetrically in rows in an organized fashion; 7) the applicant will use 21AA crushed stone from the street up to the gated area in order to minimize mud, trash and deterioration to the site. The property is located at 48918 Alpha Drive, Wixom, MI 48393 and is zoned IRO, Industrial Research Office District. The parcel number is 96-22-08-326-028.

VOTE:

MOTION CARRIED

Call to the Public:

None.

Staff Comments:

There were no comments made by the staff.

Board Comments:

Chairman Caplan complimented Board member Barts on his framing of tonight’s motion.

Adjournment:

This meeting of the Zoning Board of Appeals was motioned and adjourned at 8:21 p.m.

Nancy Fisher
Recording Secretary