

CITY OF INKSTER
ZONING BOARD OF APPEALS
(ZBA)

MINUTES

A regular meeting of the Inkster ZBA was held on Thursday, July 5, 2012 in the Inkster Council Chambers located at 26215 Trowbridge, Inkster, Michigan.

Quorum was established. Chairman Chastang called the meeting to order at 7:33 p.m.

I. ROLL CALL

Present: Directors Stubbs and Williams, Chairman Chastang, Secretary McDaniel (7:37), and Vice Chairman Cross

Absent: None

Others in attendance: Mark D. Lloyd, Director of Community Development
John Bingham, Representative, ZBA12-01
Saidia Johnson, Planning Division Secretary

II. ADOPTION OF AGENDA

MOVED by Cross, Seconded by Williams to adopt the agenda. **MOTION CARRIED unanimously.**

III. ADOPTION OF MINUTES OF JANUARY 5, 2012

MOVED by Williams, Seconded by Stubbs to adopt the minutes of January 5, 2012 with any necessary corrections. **MOTION CARRIED unanimously.**

IV. PUBLIC HEARINGS

A. ZBA12-01/26266 Michigan Avenue/Variance against Wall Ordinance

MOVED by Cross, Seconded by Williams to open the public hearing. **MOTION CARRIED unanimously.** There was no public in attendance. Chastang invited Mr. Bingham to address the Board.

Mr. Bingham requested a variance against the required masonry wall and in lieu of the wall, install landscaping. Highlights of the appeal included: landscaping would be aesthetically attractive as an alternative to the wall and there is a 20 plus foot greenbelt area to the north of the site between the property lot line and the parking and alley that could accommodate proposed six foot tall arborvitaes.

Mr. Bingham stated that the original site plan approval included the installation of four (4) light poles (which have been installed) and concrete piers are to be used to enclose the

bottom of the poles; however, the applicant is requesting a variance for the piers not to be installed.

Mr. Bingham also requested to install additions six foot high arborvitaes to the east and west of the site, create a 15'X10' triangular berm with boxwood shrubs at the southeast and southwest sides of the driveway, and remove the originally proposed shrubs on the east rear lot line.

In conclusion to his appeal, Mr. Bingham stated that the applicant is proposing to install irrigation to maintain the foliage.

Discussions ensued by the Board and Mr. Lloyd. Comments included: the ZBA denied a wall variance request in 2010; the original site plan site improvements have not been made to date; applicant has been before the Administrative Hearings Bureau regarding his non-compliance of site improvements; the original proposed types of cars was to be high end (i.e. Mercedes, Mustangs, and other high end vehicles that are not rusted and in fine shape); the types of cars currently on site are in need of visible repairs; usually, site improvements of an approved site plan must be completed within six (6) months; since 2010, the applicant has not shown good faith to complete site improvements; weeds growing all around building; the applicant could have done at least a minimum of the work; the applicant does not show good faith, why should the Board.

Mr. Bingham responded to the Boards comments and concerns. Highlights of response included: he was not aware of the history of the site; the applicant is under similar situations elsewhere; by him working with the applicant, he cannot guarantee the time frame in which the applicant will comply; at this point in their working relationship, if the applicant loses his help, the applicant would go out of business for the types of problems of not being in compliance with cities approvals; he might have influence with the applicant since his integrity is known by City staff; he only represents people who have problems that need solving; the applicant does not know the laws and processes and cannot connect the dots; and the applicant cannot understand the administrative and legal aspects of approvals.

The Board responded to Mr. Bingham's comments. Highlights of responses included: offense was taken by alleging that the applicant could not succeed in obtaining necessary approvals and completing site improvements without the assistance of Mr. Bingham; the site has not met previous approvals from 2010 until present; Mr. Bingham could not guarantee what the applicant will do; the applicant is placing the dealership before our laws and rules; cars being sold are dented up and have missing gas caps; and the site does not have approved improvements completed.

Mr. Bingham responded by asking could the Board approve the request subject to some kind of time frame for completion and requiring enforcement that could be rescinded if improvements were completed within that time frame.

The Board responded that the applicant has not complied yet with the 2010 approvals and has been before the Administrative Hearing Bureau regarding his non-compliance and the applicant has had time to make some sort of good faith effort but has not.

The Board asked when will the applicant complete what he was previously instructed to complete.

Mr. Bingham asked were there any options available to the applicant. The Board responded that the applicant could appeal with the Wayne County Circuit Court located at 2 Woodward Avenue.

Mr. Bingham asked if the Board could postpone its decision 30-60 days to give the applicant time to complete previously approved improvements, which shows significant improvement, and evidence of good faith.

The Board responded that the applicant has had from 2010-2012.

MOVED by Cross, Seconded by Williams to close the public hearing. **MOTION CARRIED unanimously.**

After further discussion by the Board, **MOVED** by Stubbs Seconded by Williams to deny the request for a wall variance (Case #12-01/26266 Michigan Avenue) citing property in not in compliance with previously approved improvements and no practical difficulty or hardship were established. **MOTION CARRIED unanimously.**

V. OLD BUSINESS

There was no old business.

VI. NEW BUSINESS

Discussion ensued regarding the Board's lack of members. Mr. Lloyd reported that Board's requiring member replacements have been taken before the City Council. Mr. Lloyd also invited members to recommend someone to their Council person.

Board members expressed their condolences for the recently deceased Director James Ingram and commended him for his great integrity.

VII. MISCELLANEOUS

A. Zoning, Land Use, and Economic Development

Mr. Lloyd gave presentation. Presentation highlights included discussions regarding the results of questionnaires provided by the Economic Development Committee regarding strengths and weaknesses of the City, resources the City has to offer, obstacles impacting the City's economic development opportunities, and identification of areas/sites to be reviewed. Discussed provisions of the zoning code that limit land use and growth in the TCD and B Districts. Board members were advised that joint meetings will be called to order in an attempt to unify Boards/Commissions regarding establishing the best ordinances and policies for the City's economic growth. This item will be presented to City Council upon completion of discussion with various boards and commissions.

Williams volunteered to be a member of the Economic Development Committee.

Positive comments were made regarding the Department's efforts.

Mr. Lloyd discussed marketing tools that are used through the EPA Grant consultants.

VIII. CALL TO THE PUBLIC (Non-Agenda Items)

There were no comments or concerns expressed by the public. There were no comments or concerns expressed by the Board.

IX. ADJOURNMENT – 8:25 p.m.

MOVED by Stubbs, Seconded by Cross to adjourn the ZBA meeting held on July 5, 2012. **MOTION CARRIED unanimously.**

Respectfully submitted,


Lawrence Chastang, Chairman


James Cross, Vice Chairman


Norma McDaniel, Secretary


Saidia Johnson, Planning Division
Secretary

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