

**MINUTES AS RECORDED**

**MINUTES OF THE MEETING OF July 18, 2018  
ZONING BOARD OF APPEALS AND ADJUSTMENT**

A meeting of the Zoning Board of Appeals and Adjustment of the City of Wyandotte was called to order by Chairperson Duran at 6:30 p.m., in the Council Chambers of the City Hall, 3200 Biddle Avenue, Wyandotte.

**MEMBERS PRESENT:** Duran  
Flachsmann  
Gillon  
Nevin  
Olsen  
Szymczuk  
Trupiano  
Wienclaw

**MEMBERS ABSENT:** DiSanto

**ALSO PRESENT:** Peggy Green, Secretary

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A motion was made by Member Flachsmann, supported by Member Szymczuk to approve the minutes of the June 6, 2018, meeting.

Yes: Duran, Flachsmann, Gillon, Nevin, Olsen, Szymczuk, Trupiano, Wienclaw

No: none

Abstain: none

Absent: DiSanto

Motion passed

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**Appeal #3271 – GRANTED**

Jeanne Tyrrell, 323 Chestnut, Wyandotte (owner & appellant)

for a variance to obtain a building for a roof over front porch at 323 Chestnut, Lot 5, Block 102, in a RA zoning district, where the proposed conflicts with Section 2500.F.6 of the Wyandotte Zoning Ordinance.

**SECTION 2500.F.6:**

An unenclosed terrace porch may project six (6) feet into a required front yard and may include a fixed canopy or awning, but this shall not be interpreted to include enclosed sides. An existing porch within a required front yard or required side yard may be replaced, but may not be extended any closer to the front or side property line. To construct or replace a deck or porch with an area enclosed below the floor level with an access door for storage, a four-inch wide by twenty-four-inch deep rat wall or a four-inch concrete floor slab is required. In addition, the structure in question must be greater than the average for the (s) of that block.

The original enclosure on the front porch was never permitted. The existing enclosure violates the front yard setback. The average of the homes on the north side of the block is 19.2 feet. The distance for this structure is 15.0, encroaching into the required front yard of the average of the block by 4.2 feet.

**Proposed roof over front porch will not be detrimental to the development of adjacent buildings or uses, and will not impair the intent of the ordinance as written.**

A motion was made by Member Flachsmann, supported by Member Olsen to grant this appeal.

Yes: Duran, Flachsmann, Gillon, Nevin, Olsen, Szymczuk, Trupiano, Wienclaw

No: none

Abstain: none

Absent: DiSanto

Motion passed

**Appeal #3272 – GRANTED**

Mark Havlicsek, 1837 Electric, Wyandotte (appellant) and Janice Havlicsek, 1702 – 8<sup>th</sup> Street, Wyandotte (owner)

for a variance **to building permit #PBLD17-0866 for an existing deck at 1702 – 8<sup>th</sup> Street**, N 15' of Lot 131, Ebert's Ford City Sub. in a RA zoning district, where the proposed conflicts with Section 2500.F.1 of the Wyandotte Zoning Ordinance.

**SECTION 2500.F.1:**

*Projections into required open spaces.*

Outside stairways, fire escapes, vestibules, balconies, decks and similar projections from a wall of a building, and detached decks extending more than two (2) feet above the established grade shall not extend into any required yard. A landing required for exit from a building of a maximum area of ten (10) square feet is allowed.

The existing deck installed without a permit is located 32 inches from the property line where-as 4 feet is required. Building Permit #PLBD17-0866 was issued on November 6, 2017, to correct violation, the permit has expired and the violation was not addressed. The contractor is now requesting that deck remain in existing location.

**Existing deck does not hinder or encroach on adjacent buildings or land, and does not impair the intent of the ordinance as written.**

A motion was made by Member Gillon, supported by Member Wienclaw to grant this appeal.

Yes: Duran, Flachsmann, Gillon, Szymczuk, Trupiano, Wienclaw

No: Nevin, Olsen  
Abstain: none  
Absent: DiSanto  
Motion passed

**Appeal #3273 – GRANTED**

Pizzo Development Group, LLC, 349 Antoine, Ste. 1, Wyandotte (appellant) and Kurt and Christina Hunter, 4064 – 22<sup>nd</sup> Street Wyandotte (owner)

for a variance **to obtain a building permit for a new single family dwelling with attached garage at 518 Plum**, Lot 9, Block 154, in a RA zoning district, where the proposed conflicts with Section 2100 of the Wyandotte Zoning Ordinance.

**SECTION 2100:**

The proposed structure exceeds the maximum lot coverage in the RA zoning district. 35% lot coverage is allowable, whereas 39.3% lot coverage is proposed thereby exceeding the permissible lot coverage by 306 square feet.

**Proposed home with attached garage will not hinder or discourage further residential development in that area, and will not impair the intent of the ordinance as written.**

A motion was made by Member Flachsmann, supported by Member Szymczuk to grant this appeal.

Yes: Duran, Flachsmann, Nevin, Olsen, Szymczuk, Trupiano, Wienclaw  
No: none  
Abstain: Gillon  
Absent: DiSanto  
Motion passed

**COMMUNICATIONS:**

A motion was made by Member Flachsmann, supported by Member Trupiano to place all communications on file. Motion passed.

**OTHER BUSINESS:**

There being no further business to discuss, the meeting adjourned at 7:00 p.m. **The next scheduled meeting of the Board will be held on August 1, 2018.**

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Peggy Green, Secretary

**Appeal #3271**

Chairperson Duran read the appeal and asked that it be explained.

Joe Maher, 326 Chestnut, representing the owners.

Mr. Maher stated that his clients just want to replace the existing roof. The porch was enclosed by Seaway Construction several years ago, and there was no permit. It was done when the garage was built. Mr. Maher explained that he lived on the opposite side of the street, and explained the different front yard footages (Mr. Maher presented a picture to the Board). Mr. Maher stated again, that all they want to do is replace the roof that is 14 years old.

Member Gillon asked if the porch was enclosed in 2004. Mr. Maher replied yes, the enclosure and garage was done.

No communications were received regarding this appeal.

### **Appeal #3272**

Chairperson Duran read the appeal and asked that it be explained.

Mark Havlicsek, appellant, present.

Mr. Havlicsek explained that he is appealing to keep the deck as it is now. There was originally a pool there, but it was removed, and they just want to get a final on the permit for the free standing deck. Mr. Havlicsek added that he did install a handrail, and it is free standing, and 32" from the lot line.

Mr. Havlicsek stated that he does not feel that the ordinance is clear, and the wording is very gray.

Chairperson Duran asked if the pool was gone. Mr. Havlicsek replied yes, but his aunt plans on getting a new one when her budget allows for it.

Mr. Havlicsek added that Dan Foley is the neighbor, and he has no objections and added that Jesus and Claude from the Building Department have both looked at the deck.

Member Nevin commented that at the time of the first appeal, it was hard to look into the yard to see everything. Member Nevin asked about the deck. Mr. Havlicsek stated that there is a 36" handrail and it is free standing, and added that when his aunt does get a pool, it will meet the code.

Member Nevin asked Mr. Havlicsek why he originally did not get a permit. Mr. Havlicsek replied that he was trying to help out his aunt, he knew the pool was in violation but built the deck, and a neighbor complained.

Member Flachsmann commented that he would consider the deck once the pool was in, and added that it is too high, and serves no purpose. Mr. Flachsmann added that it looks like a pool would require a lot of variances. Mr. Havlicsek stated that a 10x20 pool will work, they have looked at it extensively. Member Flachsmann stated that a pool permit should be applied for. Mr. Havlicsek stated that his aunt does not have the budget for a pool right now, hopefully in 1 or 2 years. Member Flachsmann commented that the deck

should be removed if there is no pool. Mr. Havlicsek stated that the deck is all to code except it is a free standing deck.

Member Wienclaw asked the height of the deck. Mr. Havlicsek replied 48”.

Member Trupiano asked if the deck could be changed. Mr. Havlicsek stated that it would take considerable work to change.

Mr. Havlicsek stated that Section 2500.F.1 doesn't state clearly what is required. Mr. Havlicsek read the section and added that the wording is gray, and he does understand where privacy is coming from, but Dan (neighbor) is not concerned.

Mr. Havlicsek stated that his aunt understands the circumstances, and will not install a pool without a proper permit.

No communications were received regarding this appeal.

### **Appeal #3273**

Chairperson Duran read the appeal and asked that it be explained.

Kaylyn Crayne, representing appellant, present.

Ms. Crayne explained that this only exceeds the lot coverage because of the rear porch on the house being covered. They are building a nice 2,000 square foot house with a covered front porch.

Chairperson Duran confirmed that the rear porch will just be covered. Ms. Crayne replied just covered, not enclosed.

Member Flachsmann commented that he would like to see the specifications changed for smaller houses to be built in Wyandotte and added that the house looks good and it is a good location.

No communications were received regarding this appeal.