

**MINUTES AS RECORDED**

**MINUTES OF THE MEETING OF July 20, 2022  
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:** DiSanto  
Duran  
Flachsmann  
Gillon  
Olsen  
Szymczuk  
Wienclaw

**MEMBERS ABSENT:** Nevin, Trupiano

**ALSO PRESENT:** Peggy Green, Secretary  
Jesus Plasencia, Assistant City Engineer

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A motion was made by Member Olsen, supported by Member Szymczuk to approve the minutes of the May 4, 2022.

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

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**Appeal #3375 – GRANTED**

Mark Kowalewski, 1540 Davis, Wyandotte, Michigan (appellant) and Joe Pizzo, 14145 Southwoods Ct., Southgate, Michigan (owner)

**for a variance to obtain a building permit for 3 residential apartments on the second floor at 536 Oak Street** (Lots 10 and 11, Block 146) in a RM-1 zoning district, where the proposed conflicts with Section 190.290 of the Wyandotte Zoning Ordinance.

**Section 190.290:**

A maximum of 35% lot coverage is allowed a RM-1 zoning district. Existing nonconforming building already exceeds this allowable lot coverage by 2,773 square feet. Proposed lobby addition of 84.15 square feet will increase the nonconformance to 2,857.15 square feet.

**Proposed lot coverage will not hinder or discourage the appropriate development or use of adjacent land and buildings, or impair the intent of the ordinance.**

Motion was made by Member Flachsmann, Supported by Member DiSanto to grant this appeal.

Yes: DiSanto, Duran, Flachsmann, Gillon, Olsen, Szymczuk, Wienclaw  
No: none

Abstain: none  
Absent: Nevin, Trupiano  
Motion passed

**Appeal #3376 – GRANTED**

Mike Podsiad, 1714 Davis, Wyandotte Michigan (owner & appellant)

**for a variance to obtain a mechanical permit for a side yard air conditioner unit at 1714 Davis** (E 10' of Lot 444, also Lot 445, Schorr Grove Sub.) in a RA zoning district, where the proposed conflicts with Section 190.323(L) of the Wyandotte Zoning Ordinance.

**Section 190.323(L):**

Mechanical equipment installed outside of one- or two-family dwellings and their attached structures shall not be installed in any front and/or minimum required side yard and shall be located behind the dwelling and not closer than five feet from the property line. Exception: where a side yard abuts a street or an alley, the Building Official may approve a side yard location on the street or alley side, if the locations is established prior to installation.

The proposed unit is located within the five (5) foot side yard.

**Proposed side yard location for air conditioning unit will not be detrimental to the development of adjacent buildings or uses, and will not impair the purpose of the ordinance as written.**

Motion was made by Member Szymczuk, Supported by Member DiSanto to grant this appeal.

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

**Appeal #3377 – GRANTED W/STIPULATION**

Patrick and Lynn Kearney, 3179 VanAlstyne, Wyandotte Michigan (owner & appellant)

**for a variance to obtain a concrete permit for a driveway at 3175-3179 VanAlstyne** (Lots 113 to 116, incl., also N ½ of Lot 117, Eureka Iron and Steel Works Re-sub) in a RM-3 zoning district, where the proposed conflicts with Section 190.324(C) of the Wyandotte Zoning Ordinance.

**Section 190.324(C):**

Off street parking may be located within a side or rear yard. Off street parking shall not permitted within a required front yard unless otherwise provided within this chapter.

Proposed 18'x37' parking pad is located in front yard.

**Proposed off street parking will not be detrimental to adjacent land or buildings, will not impede flow of pedestrian or vehicular traffic, and will not impair the intent or purpose of the ordinance as written.**

**STIPULATION: Remove western 12' of front yard parking pad and extend 12' to the east.**

Motion was made by Member DiSanto, Supported by Member Olsen to grant w/stipulation this appeal.

Yes: DiSanto, Duran, Flachsmann, Gillon, Olsen, Szymczuk, Wienclaw

No: none

Abstain: none

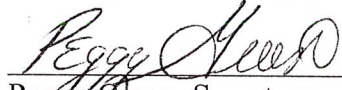
Absent: Nevin, Trupiano

Motion passed

**OTHER BUSINESS:**

Member Flachsmann's request regarding Appeal #3366, request from Tyler and Hannah Rife for a Certificate of Occupancy to provide no off street parking at 1026 5<sup>th</sup> Street, to be re-evaluated and voted on again. (communication attached). It was decided by the Board that a communication be sent to the City Attorney for his legal opinion regarding this matter.

There being no further business to discuss, the meeting adjourned at 7:30 p.m. **The next scheduled meeting of the Board will be held on September 7, 2022** (no appeals were received for the August 3 meeting).

  
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Peggy Green, Secretary

**Appeal #3375**

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

Joe Pizzo, owner, present.

Mr. Pizzo explained that he wanted a vestibule area for tenants to place their groceries, hats, etc. Mr. Pizzo added that the upper will be residential and lower garage.

Chairperson Duran asked if there will be 3 units. Mr. Pizzo replied yes.

Member Olsen asked if the entrance would be on the east side. Mr. Pizzo stated that there is a north parking lot in the back with 12 spaces. Member Olsen asked the vestibule location. Mr. Pizzo replied in the parking lot.

Member Gillon asked if the vestibule would be abutting the parking area. Mr. Pizzo replied yes.

No communications were received regarding this appeal.

**Appeal #3376**

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

Mike Podsiad, owner present.

Mr. Podsiad explained that they have lived in the house for over 20 years, and existing air conditioner unit was there when they bought the house, and they want to upgrade the unit.

Member Olsen asked if the new unit has already been installed. Mr. Podsiad replied no, not yet.



No communications were received regarding this appeal.

**Appeal #3377**

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

Lynn Kearney, owner, present.

Ms. Kearney explained that they have 4 rental units and their residence, and they want to replace the parking area that is currently there, and it has been there for 30 to 40 years. The tenants park in that space. Ms. Kearney continued that they have a unique house and it sets close to the water. There is a 115' yard to the street. The parking is off the to the side, not in front of the house or garage. Ms. Kearney added that they are concerned about parking once the old city hall is renovated, it will bring in more people, and parking is a problem.

Member Flachsmann asked Ms. Kearney if she had spoken to Engineering about replacing 50% of the pad. Ms. Kearney replied no. Ms. Kearney stated she can understand issues with front yard parking, but their situation is unique.

Member Flachsmann asked Mr. Plasencia if it is an existing conforming pad, but if you replace 50% then another 50% is that allowable. Mr. Plasencia replied that he does not believe so, because a permit is still required, and the front yard parking would be caught on a plan review, and it would require Zoning Board approval. Member Flachsmann and Mr. Plasencia discussed replacing different sizes of concrete sections. Mr. Plasencia added that 50% of the 3179 VanAlstyne parking lies past the front property line and projected into the front yard.

John Evans, 3213 VanAlstyne, Wyandotte.

Mr. Evans stated that he bought his property 2 years ago, and is bringing it up to standard to enhance the neighborhood. Mr. Evans continued that VanAlstyne is unique, and people like walking and driving looking at the area. Parking is unique and there is no parking. Mr. Evans continued that he did appeal last year for parking and added that the street parking is bad. Parking is only on one side.

Mr. Evans stated that the proposed is 20" from his lot line, and extends 11' past his front porch. He understands that parking is an issue, but some houses have larger lots and have provided the parking in the rear. Mr. Evans continued that the Kearney's have 5 units, and choose not to do so, and added that there is adequate room in the rear for parking. Mr. Evans also added that the garage is being used as a green house and when the driveway was increased, there was no permit. Mr. Evans discussed 1-1/2 spaces for each bedroom is required, and this is not the case, the pad could be moved to the rear and contiguous to the garage, and if the pad could be located on the other side where the tenants have access to enter the building, or at the rear of the property. Mr. Evans stated that the parking next to his front porch takes away from his porch. Mr. Evans also questioned if the Kearney's provide adequate parking.

Ms. Kearney stated that she had discussed with the City, and it was 1 space per unit. Ms. Kearney continued that all apartments are inspected every 5 years, all 1 bedroom with a single person in each. Mr. Kearney also stated that she measured 4' from the lot line to slab away from 3213 VanAlstyne. Ms. Kearney continued that the addition along side the driveway was to avoid stepping into the mud and they would not be able to put

parking in rear, it is a 2 tier yard, and they have a boat well behind the garage, and on the other side it is less than 8' from the staircase to the fence and a short distance to the waterline.

Mr. Evans stated that he might be incorrect on his measurements.

Member DiSanto commented that this sounds like a neighbor dispute and Mr. Evans had his chance with his appeal and asked if he had any additional information to add. Member DiSanto asked Mr. Evans if he resides in the home. Mr. Evans replied no, he does not have a Certificate of Occupancy yet, but he does visit the home.

Member DiSanto stated that the proposed pad is 12' in front of the neighbors, and asked if it could be moved 12' further to the east. Ms. Kearney replied as long as they have enough room to park and not block their tenants.

Member Olsen stated that if it was moved, there would still be plenty of room. Member Olsen added that the appellant is only asking for a variance for front yard parking.

Member Flachsmann commented that it is an existing nonconforming situation and sees no problem and added that it is a good idea to have a good relationship with neighbors.

One communication was received in favor of this appeal.

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RECEIVED  
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CITY OF WYANDOTTE

Tom & Kathy Kaul  
3115 Van Alstyne  
Wyandotte, MI 48192  
734.283.1385

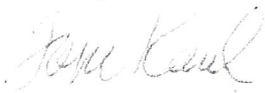

July 8, 2022

Appeal #3376

This letter is in support of our neighbor obtaining the variance requested to replace the existing parking pad at 3175-79 Van Alstyne. We support this because:

- 1) It is preexisting and has been there for decades and should therefore be Grandfathered.
- 2) The property is water front not water rear, therefore the parking pad is located at the rear of the property.
- 3) With the Federal Building Development (the old City Hall) parking in our neighborhood will become a very big issue, as that site will require variances for its parking. Granting our neighbor's variance will help relieve the parking congestion that will occur with this project. If this variance is not granted it will be a detriment to our neighborhood. If denied we would expect the new Federal Building Project's variances would also be denied since those spaces are not at the rear of the building, but at the side and at the street side (Biddle).
- 4) This parking pad already helps decrease the need for street parking in our neighborhood. Van Alstyne is a very congested street and has a very competitive parking situation amongst neighbors, this variance can only assist and aid to relieve this situation.

Sincerely,

Tom & Kathy Kaul



Michael J. Flachsmann  
2440 – 17<sup>th</sup> Street  
Wyandotte MI 48192

7 OF 8

July 17, 2022

City of Wyandotte  
Zoning Board of Appeals and Adjustment

RE: APPEAL #3366- REQUEST FROM TYLER & HANNAH RIFE FOR A  
CERTIFICATE OF OCCUPANCY TO PROVIDE NO OFF-STREET PARKING AT  
1026 -5<sup>TH</sup> STREET, WYANDOTTE

Dear Colleagues:

At the February 2, 2022, meeting of the Zoning Board of Appeals and Adjustment, Appeal #3366 was denied due to a lack of the required number of votes to pass the motion granting the appeal.

I have always been personally very skeptical on appeals dealing with requirements for “off-street parking”. As a rule, I almost always vote to deny an appeal asking for a variance not to place off-street parking in a RA zone, single family residential. In this case, however, there was confusion with many items concerning this appeal.

1. After our meeting on February 2, 2022, when the appeal was denied, I spoke with the Rifés and they indicated that the owner of the property, Mario, and the private home inspector had both given them incorrect information stating that off-street parking was not a requirement.
2. Also, shortly after the meeting, I found out that Mario and the realtor were one and the same. I will leave this topic to the real estate ethic board. If this is not true, then I will correct myself and apologies to the prior owner.
3. The owner of the property, Mario, was issued a violation prior to the sale of the property to the Rifés which was not corrected. Where is the escrow money and what was the amount? Is it still sitting somewhere or did someone receive a check from the City of Wyandotte? These are questions the City should be aware of and respond to.
4. There is a financial hardship on the part of the Rifés. Money was spent in good faith to remove the parking slab that had been written up as a violation two years before when Mario was the owner of the property. The Rifés have been working hard to improve their home. Once the slab was removed, they placed a new vinyl fence on the alley side for safety and protection for their child.
5. The appellants were not given the opportunity to postpone the appeal to a later date when more commissioners might have been present.

I now feel that the motion to grant the appeal should have passed and I wish to change my vote to grant this appeal, which would allow the appeal to be granted. I am requesting that the Zoning Board of Appeals and Adjustment consider re-evaluating this appeal and bring this appeal back to the floor and voted on again, hopefully with more commissioners present. The original motion to approve was made by member DeSanto, supported by member Trupiano. Per the City's legal department, the members that made the original motion and support have to ask for the appeal re-vote due to extenuating circumstances.

I have attached both the files for the appeal 3366 and the next month's meeting minutes.

If any commissioners have a question, I can be reached through the Zoning Board Secretary. Thanking all in advance for your consideration, I remain

Sincerely,

Michael Flachsmann  
Zoning Board Commissioner

Attachments