

MINUTES AS RECORDED

**MINUTES OF THE MEETING OF June 3, 2020
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.**, this was a virtual auto-only meeting.

MEMBERS PRESENT: Duran
Flachsmann
Gillon
Olsen
Szymczuk
Trupiano

MEMBERS ABSENT: DiSanto, Nevin, Wienclaw

ALSO PRESENT: Peggy Green, Secretary

A motion was made by Member Flachsmann, supported by Member Gillon to approve the minutes of the March 4, 2020, meeting.

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

No: none

Abstain: none

Absent: DiSanto, Nevin, Wienclaw

Motion passed

Appeal #3324 - DENIED

John Evans, 3213 VanAlstyne, Wyandotte (owner & appellant)

for a variance to obtain concrete permit for construction of two (2) parking slabs located between the front of the dwelling and the sidewalk and accompanying driveway approaches at 3213 VanAlstyne, (S ½ of Lot 117 and also Lot 118, Eureka Iron and Steel Works Resub), in a RM-3 zoning district, where the proposed conflicts with Section 2403.C of the Wyandotte Zoning Ordinance.

Section 2403.C:

Which states, "Off-street parking spaces may be located within a side or rear yard. Off-street parking shall not be permitted within a required front yard unless otherwise provided for in this ordinance." The proposed parking is located in the front yard.

Proposed front yard parking does not constitute a hardship and does not conform to the intent of the ordinance.

Motion was made by Member Olsen, Supported by Member Gillon to deny this appeal.

Yes: Duran, Gillon, Olsen, Szymczuk, Trupiano

No: Flachsmann

Abstain: none

Absent: DiSanto, Nevin, Wienclaw

Motion passed

Appeal #3325 - GRANTED

Pizzo Development Group, 349 Antoine, Wyandotte (appellant) and Goodell Properties, LLC, 349 Antoine, Wyandotte (owner)

for a variance to obtain a building permit for 4 unit townhouse and storage building at former 124 - 126 Davis, (legal description on file), in a RM-2 zoning district, where the proposed conflicts with Section 2100 of the Wyandotte Zoning Ordinance.

Section 2100:

Existing property is currently zoned RM-2. RM-2 which allows a maximum of lot coverage of 38%. Proposed townhouse and storage building would result in a lot coverage of 46.84% and the lot coverage being exceeding by 1,536.66 sq. ft.

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 Szymczuk to grant this appeal.

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

No: none

Abstain: none

Absent: DiSanto, Nevin, Wienclaw

Motion passed

Appeal #3326 - WITHDRAWN

Thomas Roberts, 2927 – 4th Street, Wyandotte (appellant) and Rick DeSana, 126 Oak Street, Wyandotte (owner)

for a variance to obtain building permit for an accessory structure at 126-128 Oak, (Lot 10, Block 69), in a CBD zoning district, where the proposed conflicts with Section 2100 of the Wyandotte Zoning Ordinance.

Section 2100:

Requires a rear yard setback of 10 feet for buildings in the Central Business District (CBD). The proposed building's rear yard setback is only 2 feet.

Appeal was withdrawn from this meeting by owner/appellant.

OTHER BUSINESS:

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

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 July 15, 2020.**


Peggy Green, Secretary

Appeal #3324

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

John Evans, owner, participated.

Mr. Evans explained that he owns the house on VanAlstyne on the river side and parking is a premium. Mr. Evans continued that he is rehabbing the home and there are 92 code violations listed on the inspection sheet. Mr. Evans continued that he is undecided if he will convert it to a duplex or keep it as a single family home, either case, parking is a premium. The house is a large dwelling, and could accommodate a large family. He would like to add off street parking because on street parking is at a premium. Mr. Evans continued that he has a could working relationship with the Building Department. Mr. Evans stated that off street parking is very common along VanAlstyne, and he is not asking for anything uncommon.

Joyce Jacques, 3200 VanAlstyne, participated.

Ms. Jacques stated that neighbors have sent in letters against this appeal, and she totally agrees with the neighbors. Ms. Jacques stated that she opposes front yard parking, there will be no green space.

Lynn Kearney, 3179 VanAlstyne, participated.

Ms. Kearney stated that they abut the north side of the property, and they oppose to the parking and did send in a letter (which the Board has a copy of). Ms. Kearney stated that the other peoples parking is mainly between the sidewalk and street, but Mr. Evans's will be the whole front yard. Kids and senior citizens use the sidewalk, and visibility will be poor, and she assumes they are keeping the current parking and adding more. Ms. Kearney added that the location of the street light is also an issue. Ms. Kearney continued that there is no fence on either side of the property and she is worried if there will be enough room to access the parking spaces without going on the neighbors property. It will look like a parking lot. Ms. Kearney continued that this is a heavily used foot path. All the homes are large with vehicles and no one else wants a parking lot in the front yard, it will take down the value of the property, and this is a self created issue.

Mr. Evans stated that Mrs. Kearney has front yard parking with four apartments, his proposal is common use in the area. Mr. Evans added that his intention is to occupy one or two floors, he wants to retire. Mr. Evans continued that he intends on having grass, and the light pole is next to the existing driveway, the street is always full unless you want to use a public parking lot. Mr. Evans stated there are 22 homes on his side of the street and 17 homes have existing parking between the sidewalk and street or on the side. There is adequate room in the side to park. The Kearney's parking abuts his property line and accommodates 3 cars, his proposed parking will not affect the curb appeal no more than the Kearney's.

Joyce Jacques.

Ms. Jacques stated that Mr. Evans is comparing his house to the Kearney's, there is no comparison. The Kearney house sets way back on the property and has won a beautification award.

Lynn Kearney.

Ms. Kearney stated that they have a 112-1/2' footage in the front yard, and all the parking has access from one driveway approach.

Mr. Evans stated that both Ms. Jacques and Ms. Kearney are correct, the Kearney residence is beautiful, large and well maintained, but property his size is common place in the neighborhood, there is nowhere else to park, it is unfortunate, and it is this way with a majority of the property.

Member Trupiano asked Mr. Evans if it was his intent to extend the pad (14'x9') up to the porch. Mr. Evans stated it was his intent for side parking adjacent to the Kearney's parking pad.

Member Gillon asked Mr. Evans when he purchased the home. Mr. Evans replied end of September, beginning of October 2019. The house set empty for 2 years, and now he is attempting to make it habitable, he will improve the neighborhood and the house will be desirable.

Member Flachsmann commented on the photos that had been sent in by the neighbors with the yard full of pipes containing asbestos. Mr. Evans stated it has been cleaned up. Member Flachsmann asked how long they had been there. Mr. Evans replied pipes were pulled out at the end of March, then April 1 the governor stopped work. The neighbors across the street requested that he not get a dumpster, because it would be in front of their house. April 16 City inspected the debris and he received a ticket. The City gave him an extension. April 25 his guys came to load the pipes, and the Police came and gave him permission to proceed. He took the pipes to River Rouge. Member Flachsmann commented that 2 were telling you to go ahead, but 1 said to stop. Mr. Evans replied the Governor had the stop, and City and Officer told him to go ahead. Member Flachsmann commented that there was no coordination between Departments. Mr. Evans stated that he covered the pipes with a tarp, usually they are removed immediately. Member Flachsmann commented that asbestos is no danger when wet, only when you inhale powder form.

Mr. Evans commented that Mr. Kearney has thrown garbage at his friends and it had landed on the porch, cut down a pear tree and said racial comments to his workers, and he had called the Police and reported this. Mr. Evans added that he just wants to build on his house.

Joyce Jacques.

Ms. Jacques stated that most of the front yard parking has been there forever, and is grandfathered in. Mr. Evans is proposing something new, and Mr. Evans has not been a good a good neighbor to either side of the property, there was trash in the front yard for months, it was uncovered and blowing for weeks, it was tarped only after a complaint was received.

Mr. Evans stated he never received a complaint from the neighbors and they are welcome to the house.

Three (3) communications received in opposition to this appeal.

Appeal #3325

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

Tony Pizzo, appellant, participated.

Mr. Pizzo explained that he is trying to build what was submitted to the City, but is a little short on lot coverage, and is hoping to receive a variance.

Member Flachsmann asked if he bought the property from the City. Mr. Pizzo replied yes. Mr. Pizzo added that he tried to build on Biddle and Goodell, but the City suggested this property.

Member Gillon and Mr. Pizzo discussed the alley locations. Mr. Pizzo stated that there is a rear 20' backyard. Member Gillon commented that there is a strip of grass to the public alley. Member Gillon and Mr. Pizzo discussed the front and rear setbacks.

No communications were received regarding this appeal.

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RECEIVED
6-1-20
#3324

JUNE 3, 2020

CITY OF WYANDOTTE
ZONING BOARD OF APPEALS

RE: APPEAL # 3324 (3213 VAN ALSTYNE)

✓ EMAILED
TO MEMBERS

TO THE ZONING BOARD OF APPEALS MEMBERS

We are writing with regards to John EVANS
request to add concrete parking slabs located
between the front of the house and the sidewalk
and accompanying driveway approaches at 3213 VAN ALSTYNE

We reside on the south side at 3219 VAN ALSTYNE and
would like it noted that we are totally against this
proposal for the following reasons:

1.

CURRENTLY there is one cement slab and approach in
front of 3213 and 3219, (each house). Four cars can
park there. My sightline while backing out is limited.
Many pedestrians and cyclist use VAN ALSTYNE sidewalks and
streets. Their line of vision would also be restricted
at the corner of VAN ALSTYNE and EUREKA there are
5 parking lots, The Biddle House, three apartments, Henry Ford
Rehab center, the city lot and a doctors office. Many people
access these lots via VAN ALSTYNE as the corner at
Biddle and Eureka is very busy

We are concerned that adding more parking spaces
between the houses and sidewalks will make it more
dangerous for everyone.

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2.

Our second concern is, having more than one front lawn parking slab would create commercial looking lots. These lots are only 37.5 feet wide there would be little space between the house and the cars. There is very little green space now.

Sincerely,

Carolyn Belcher

~~Franklin Belcher~~

FRANKLIN & CAROLYN Belcher

3219 VAN ALSTYNE

Wyandotte, MI 48192

I AM requesting that this meeting be Rescheduled so our voices will be heard. I do not know how to use zoom and do not want to disobey the governor's order.

THANK YOU

May 4, 2020

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City of Wyandotte
Zoning Board of Appeals

RE: Appeal # 3324 – 3213 Van Alstyne Street, Wyandotte, Michigan

To the Zoning Board of Appeals (ZBA) Members:

This communication outlines general issues and requirements for the ZBA to consider when reviewing a non-use variance request, and then applies the requirements to Appeal #3324 at 3213 Van Alstyne.

- I. It is up to the applicant to justify the variance. If the applicant doesn't support their application with facts, then the application could be tabled to allow the applicant to provide additional information. Or, the ZBA could deny the variance on the basis that "the applicant has failed to present information demonstrating that one or more criteria for a variance has been satisfied." It is not up to the ZBA, or any members of the neighborhood, or anyone else, except the applicant, to present information to demonstrate that the criteria for a non-use variance has been satisfied.
- II. ZBA procedures for review and standards for approval. The City's Zoning Ordinance, Section 2704.C.1, states that the ZBA may grant a "Non-Use Variance" if the applicant shows practical difficulty by demonstrating all of the following:

Excerpt Below from Wyandotte Zoning Ordinance

2704.C. **Variance.** To authorize the following upon an appeal:

1. A non-use variance from the strict applications of the provisions of this ordinance where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this ordinance or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties in the use of the property in question upon the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance. The applicant must show practical difficulty by demonstrating:

(a) That strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome;

(b) That a variance would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation would give substantial relief and be more consistent with justice to others;

(c) That the plight of the owner is due to unique circumstances of the property;

(d) That the problem is not self-created.

End of Excerpt

III. Based on the information above, the Applicant has failed to demonstrate a practical difficulty for the following reasons:

- a) Property may be used "as is" and would not "render conformity unnecessarily burdensome." The property owner may use the property as it was previously used for many decades, a single-family dwelling with one (1) parking space existing within the front-yard setback area (the currently existing front yard parking space appears to have existed for many decades); therefore, strict compliance with setback and parking requirements, etc., would not "unreasonably prevent the owner from using the property for a permitted purpose, or render conformity unnecessarily burdensome." Note: The applicant purchased the home in September 2019, after it had been vacant for the last 3-5 years. The home has been used as a single-family home since being constructed sometime prior to the 1920s.
- b) A variance would not do "substantial justice to other property owners in the district." The applicant has failed to demonstrate that the variance would "do substantial justice to other property owners in the district." More specifically, the variance would be contrary to the application of justice to other property owners in the district for the following reasons:
 1. Obstructs and impedes the flow of pedestrians. The shallow depth of the existing front yard, if used for parking two vehicles (and even when used for parking one vehicle, as it is currently use), may result in one or both vehicles extending over the existing Van Alstyne Street public sidewalk (either partially or completely), obstructing and impeding the flow of pedestrians and property owners in the district. Many people walk up and down Van Alstyne Street throughout the day, including some persons with physical disabilities using walkers, wheelchairs, and scooters, and visually-impaired persons using blind canes and/or service dogs, so it is very important to not block any portion of the sidewalk and force pedestrians into the street or onto the City's out lawn/right-of-way area (which can be unsafe due to vehicular traffic along Van Alstyne, and irregular surfaces in the out lawn area such as snow, water or gravel that could cause a trip or fall accident and injury). It should be noted that the existing front yard parking space is frequently used by the applicant's/owner's vehicle and typically extends over the public sidewalk by approximately 1-3 feet, in violation of the City's Code of Ordinances, Section 32-1 "Obstructions and encumbrances prohibited." Finally, all the issues above are made even more challenging whenever is snow involved, and the sidewalks and streets must be plowed, cleared, and the snow stored somewhere.
 2. Contrary to the Intent of the Ordinance. The variance is contrary to the "Intent" section of the Zoning Ordinance (Section 102), because it does not promote or protect the public health, safety, peace, convenience or general welfare of the inhabitants of the city because it would eliminate a required front yard area and allow front yard parking in a neighborhood where it doesn't exist, therefore it would not "protect and conserve the character and social and economic stability of the residential area," nor would it "secure the most appropriate use of land." Further, any parking over the sidewalk is a "nuisance" under the City's Ordinance, Section 24-1, as noted below:

Excerpt Below from Wyandotte Code of Ordinances
City of Wyandotte Ordinance, Sec. 24-1. Definition.

"For the purposes of this chapter, the word "nuisance" is hereby defined as the doing of an unlawful act, or omitting to perform a duty, or the suffering or permitting of any condition or thing to be or exist, which act, omission, condition or thing either: ...(4) Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage."

End of Excerpt

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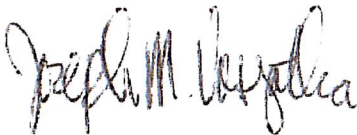
- c) The plight of the owner **IS NOT** due to unique circumstances of the property. The applicant has failed to demonstrate "any unique circumstances of the property." Many homes on Van Alstyne, on both sides of the street, are on lots that are less than 50 feet wide, and **not a single home has the front yard parking for two (2) vehicles requested by the applicant. NOT A SINGLE HOME.**
- d) The "problem" **IS** self-created. The owner purchased the property and was responsible for knowing what uses are allowed and the requirements for each use. Further, the applicant has failed to demonstrate that the "problem" is not self-created. No other homes in the area have front yard parking for more than one (1) vehicle.

IV. ZBA Finding of Fact: Findings of Fact Must Say Why Each Factor Is Met, Not Just That Each Factor Is Met. If a variance is challenged in court, the judge reviews whether the decision represents the exercise of reasonable discretion based upon **competent, material and substantial evidence in record**. A finding by the ZBA that: "We find that practical difficulties are present" is not sufficient. **Consequently, if a variance is approved, please ensure findings of fact are made on all four (4) criteria and based upon competent, material and substantial evidence in record.**

In conclusion, the applicant hasn't demonstrated any of the requirements for practical difficulty. **In fact, the information presented above specifically demonstrates how the variance request fails to meet any of the criteria, let alone all four (4) criteria.**

Thank you for your consideration of this information.

Sincerely,



Joseph M. Voszatka
3166 Van Alstyne Street
Wyandotte, Michigan 48192

Zoning Board of Appeals - Appeal #3324 - Letter

//

kearney48192@wyan.org <kearney48192@wyan.org>

Mon 5/11/2020 9:22 AM

To: engineering1@wyan.org <engineering1@wyan.org>; Kelly Roberts <kroberts@wyandottemi.gov>; Greg Mayhew <gmayhew@wyandottemi.gov>

📎 1 attachments (3 MB)

Zoning Board of Appeals and Adjustments_20200511_091524.pdf;

Good Morning,

Dear Zoning Board Secretary & Engineering staff,

I request that you please distribute a copy of the attached letter and photos to the members of the Zoning Board of Appeals and Adjustments so that they have a copy at their disposal for the hearing on Appeal # 3324.

If you have any questions, need additional information or would like to discuss, please contact us.

Thank you,

Patrick & Lynn Kearney

3213 VanAlstyne

Wyandotte, MI 48192

734-558-4510 / 734-558-4590

May 10, 2020

City of Wyandotte

Zoning Board of Appeals and Adjustments

RE: Appeal #3324 (3213 VanAlstyne, Wyandotte)

To the Zoning Board of Appeals Members:

We are writing with regards to John Evans' request for a variance to construct two parking slabs with approaches in the front of his house between the building and sidewalk located at 3213 VanAlstyne. We would like to have it stated on record that we are against this proposal and would request that it NOT be granted for many reasons, but to name a few:

- He would need to meet multiple variances to qualify which he does not.
- There is already an existing parking slab/drive on the southern end of his property between the house and sidewalk. By adding two additional spaces that would basically cover the entire

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37.5 foot lot making it a parking lot. Does Wyandotte permit residential parking lots to encompass the front yard of a residence?

- If granted, will a parking slab be permitted in front of the front porch steps?
- If granted, this would be an extreme hazard for any pedestrians, bicyclers, etc., young or old. Vehicles parking in the current spot have been left overhanging onto the sidewalk and on numerous occasions causing many near mishaps to pedestrians as well as passing traffic when the vehicle overhangs into the street. .
- This is a self created issue. The previous owners who resided at this address for the past 40+ years never had an issue with parking in the drive; they were always cautious to never block the sidewalk or overhang the street and never looked to add additional parking spots.
- There is a telephone pole located at the curb in the middle of the property.
- Mr. Evans has never occupied this house and it is currently on the market for sale.
- Neighboring property values would be affected.

In closing, we would like to state again that we are against the granting of this proposal. If you feel this is a matter that needs to be addressed further, possibly referring it to the Planning Commission to look into a new streetscape for VanAlstyne is an option.

If you have any questions or would like to discuss, we are available. Thank you.

Sincerely,

Patrick & Lynn Kearney

3179 VanAlstyne

Wyandotte, MI 48192

734-558-4510 / 734-558-4590

May 10, 2020

City of Wyandotte
Zoning Board of Appeals and Adjustments

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RE: Appeal #3324 (3213 VanAlstyne, Wyandotte)

To the Zoning Board of Appeals Members:

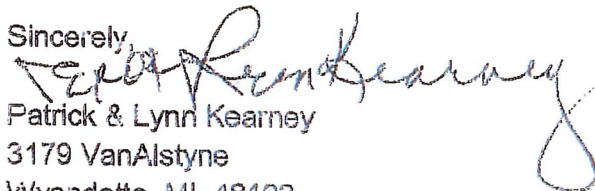
We are writing with regards to John Evans' request for a variance to construct two parking slabs with approaches in the front of his house between the building and sidewalk located at 3213 VanAlstyne. We would like to have it stated on record that we are against this proposal and would request that it NOT be granted for many reasons, but to name a few:

- He would need to meet multiple variances to qualify which he does not.
- There is already an existing parking slab/drive on the southern end of his property between the house and sidewalk. By adding two additional spaces that would basically cover the entire 37.5-foot lot making it a parking lot. Does Wyandotte permit residential parking lots to encompass the front yard of a residence?
- If granted, will a parking slab be permitted in front of the front porch steps?
- If granted, this would be an extreme hazard for any pedestrians, bicyclers, etc., young or old. Vehicles parking in the current spot have been left overhanging onto the sidewalk and on numerous occasions causing many near mishaps to pedestrians as well as passing traffic when the vehicle overhangs into the street.
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If you have any questions or would like to discuss, we are available. Thank you.

Sincerely,


Patrick & Lynn Kearney

3179 VanAlstyne

Wyandotte, MI 48192

734-558-4510 / 734-558-4590

3213 VanAlstyne

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Typical Sidewalk blockage



Sidewalk Blockage

3213 VanAlstyne 15



Bike rack attached to Car overhanging sidewalk



Sidewalk blockage

3213 VanAlstyne 16



Continuous piles of various materials
on front yard for weeks on end.

Asbestos

17



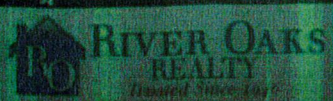
Asbestos being blown through neighborhood
for one week. Safety Hazard.

Asbestos

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3213 VanAlstyne



3213 Van Alstyne
Street Wyandotte, MI,
48192

SINGLE FAMILY

3 BATHROOMS

4 BEDROOMS

2,361 SQFT

0.13 ACRES

MLS # 2200015634

PRICE:

\$550,000



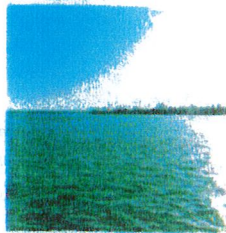
NEW CONSTRUCTION, HAS FIREPLACE, HAS BASEMENT

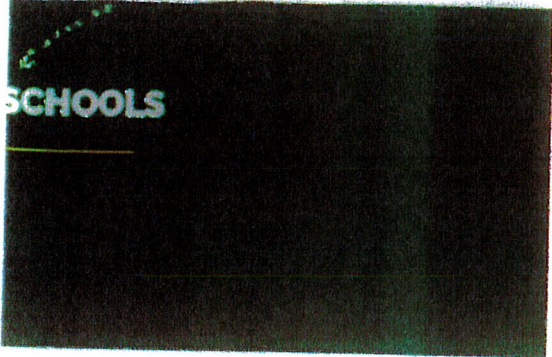
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Extremely rare once in a lifetime opportunity. An exquisite historical home with all of the upgrades and modern benefits of a new construction. Currently being completely remodeled in 2020, with incredible Detroit River views in the City of Wyandotte only 20 minutes out of the city of Detroit. Located in a beautiful and highly desired subdivision with easy walking distance to anything in the downtown area. This is a pre-sale to the finished product so that you can have the opportunity to put your input into the layout design and finishes based on your taste and style. Imagine yourself in this stunning, historical, downtown Wyandotte waterfront home.

3 Photographs

PHOTO GALLERY





Meet

SHARLENE SMITH



734-349-3762

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sharlene_smith@att.net



<https://www.riveroaksrealty.com/mis/2200015634>

Dycamore St

Dycamore St

Van Alstyne St



Eureka Rd

Eureka Rd

Map data ©2020 Google



<https://www.riveroaksrealty.com/mis/2200015634>