

MINUTES AS RECORDED

**MINUTES OF THE MEETING OF December 5, 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
Green (alternate member)

MEMBERS ABSENT: DiSanto, Trupiano, Wienclaw, Szymczuk

ALSO PRESENT: Peggy Green, Secretary

A motion was made by Member Gillon, supported by Member Flachsmann to approve the minutes of the November 7, 2018, meeting.

Yes: Duran, Flachsmann, Gillon, Nevin, Olsen, Green

No: none

Abstain: none

Absent: DiSanto, Trupiano, Wienclaw, Szymczuk

Motion passed

Appeal #3287 – Tabled

Christopher Petty, 23262 Bluegrass, Brownstown, Michigan (owner & appellant)

for a variance to obtain a Certificate of Occupancy to provide no off street parking at 3686 – 19th Street, S 5' of Lot 809 and also Lot 810, Taylor Park Sub. No. 1, in a RA zoning district, where the proposed conflicts with Section 2403.R.1.A of the Wyandotte Zoning Ordinance.

SECTION 2403.R.1.A:

A minimum of one (1) off street parking space is required for a single family dwelling. Homeowner was cited on City Certification inspection to install required off street parking space.

Tabled until the January 2, 2019, meeting so that more Board members will be present.

A motion was made by Member Gillon, supported by Member Nevin to table this appeal.

Yes: Duran, Gillon, Nevin, Green

No: Flachsmann, Olsen

Abstain: none
Absent: DiSanto, Trupiano, Wienclaw, Szymczuk
Motion passed

(FIRST MOTION)

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

Yes: Flachsmann, Gillon, Olsen
No: Duran, Nevin, Green
Abstain: none
Absent: DiSanto, Trupiano, Wienclaw, Szymczuk
Motion failed to pass

Appeal #3288 – GRANTED

Phillips Sign & Lighting, 40920 Executive Drive, Harrison Twp., Michigan (appellant)
and 3099 Biddle, LLC, 3099 Biddle, Ste. 101, Wyandotte (owner)

for a variance to obtain a sign permit for three (3) wall signs at 3099 Biddle, S 10' of Lot 9 also Lots 10 to 14, Incl., Eureka Iron and Steel Works Resub, in a CBD zoning district, where the proposed conflicts with Section 2408.F.1(a)(2) of the Wyandotte Zoning Ordinance.

Section 2408.F.1(a) (2):

The signs cannot be higher than the sills of windows located above the first story.

*Note: Signs shall be lighted only with a continuous light (no flashing lights).

Proposed sign location will not be objectionable to nearby dwellings or businesses, will not emit any noise or flashing lights, interfere with the public right-of-way, adjacent land or buildings, and conform to all other ordinance standards.

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

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

COMMUNICATIONS:

No communications were received.

OTHER BUSINESS:

There being no further business to discuss, the meeting adjourned at 7:25 p.m. **The next scheduled meeting of the Board will be held on January 2, 2019.**



Peggy Green, Secretary

Appeal #3287

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

Christopher Petty, owner, present.

Chairperson Duran asked if this was a rental. Mr. Petty replied yes and that he is asking to provide no off street parking. Mr. Petty continued that he purchased the home 16 years ago, but not as a rental, he is now renting it out so that it will not be foreclosed on.

Chairperson Duran asked how many cars are there now. Mr. Petty replied that the tenant has one car, a married couple lives there.

Member Nevin asked if the City has given him any recommendations. Mr. Perry replied that all he received was the inspection list from the City which requested one off street parking space.

Member Flachsmann confirmed that Mr. Petty purchased the home 16 years ago. Mr. Perry replied that was correct.

Member Flachsmann asked if this was the first rental inspection. Mr. Petty replied yes, it was inspected but he never scheduled the reinspection.

Member Flachsmann informed Mr. Petty that the City would give him information on off street parking.

Mr. Petty stated that the reason for not wanting the parking is it is a financial hardship.

Member Flachsmann stated that it was a hardship for the tenants not having parking, and asked what the hardship was. Mr. Petty replied that the property is still underwater about \$30,000.00. Mr. Petty explained that he bought the house in 2002 to live in, and lived there for 11 years, his family grew, they moved, and was unable to sell the home and rented it out instead of foreclosing. Mr. Petty continued that he owes about \$100,000, it is worth \$65,000 according to Zillow.

Member Flachsmann discussed the mortgage and the amount, and added that Mr. Petty is not showing a hardship, he owns another home and is renting this one. Mr. Petty stated that he was unaware of how the appeal process worked.

Member Flachsmann stated that a reason is needed to ask for an appeal and Mr. Petty is stating that he owes more on the home.

Mr. Perry discussed how he purchased the home, and has refinanced three times to manage the property and cover the tax bills, he did not understand how escrow worked when he originally bought the home.

Member Flachsmann commented that it seems that a driveway and approach could have been done, and once a variance is granted, it stays with the property. Mr. Petty stated that it was his understanding the variance went with the property until it was sold. The Board informed Mr. Petty that a variance stays with the property.

Member Flachsmann commented that it would cost around \$2,500 for the driveway. Mr. Petty stated that he has a quote for \$4,150.

Member Flachsmann stated that he sees no reason not install the parking.

Mr. Petty asked why was this not required when he purchased the property in 2002

Member Olsen stated that now it is a rental, and the parking should be installed. The property has been rented for 5 years and all of the violations still have not been completed. Property owners are supposed to keep up with the inspections.

Mr. Petty informed the Board that he is clearing \$24 a month with the rental.

Chairperson Duran explained to Mr. Petty how many members are present, that five votes would be required to grant the appeal, and that he could take his chances now, or ask for it to be tabled until the January 2 meeting.

Mr. Petty explained that he was given a time frame to reschedule the inspection. Member Olsen stated that he is sure the Engineering Department would work with him, if he is in the appeal process.

Member Flachsmann commented again that a hardship has not been shown.

Mr. Petty stated that there is room for the parking, but he does not have the money to do it.

Chairperson Duran stated that he is not showing a hardship with the property, and wants to give him a fair chance. Member Gillon commented to Mr. Petty that he is not being singled out, hardships have been shown in the past.

Mr. Petty commented about the property across the street not having off street parking. Member Flachsmann stated that the Board is only looking at this appeal.

No communications were received regarding this appeal.

Appeal #3288

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

Rebecca (Phillips Sign & Lighting) and Jennie (Community Choice Credit Union).

Rebecca explained that due to the size and shape of the building, why they were requesting the location of the signs, they have limited options, and there is also another tenant in the building, and the credit union wants clear building identification.

Member Olsen asked about the Daly Merritt sign that is up now. Jennie stated that Daly Merritt is the other tenant. Rebecca stated that the credit union purchased the building.

Chairperson Duran asked if the signs would be illuminated. Rebecca replied yes, but there would be no flashing light.

Rebecca added that she had just spoken with Jesus in the Engineering Department and informed him that the two "C" signs would be on a raceway, and the other long sign, is already shown to be on a raceway.

Member Nevin asked about the other sign. Rebecca stated that the one on the SW corner will be removed.

No communications were received regarding this appeal.