

MINUTES AS RECORDED

**MINUTES OF THE MEETING OF January 8, 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.**, in the Council Chambers of the City Hall, 3200 Biddle Avenue, Wyandotte.

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

MEMBERS ABSENT: none

ALSO PRESENT: Peggy Green, Secretary

A motion was made by Member Olsen, supported by Member Flachsmann to approve the minutes of the December 4, 2019, meeting.

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

No: none

Abstain: none

Absent: none

Motion passed

Appeal #3314 – Section 900 DENIED, Section 2100 GRANTED, Section 2403 DENIED

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

for a variance to obtain a **Certificate of Occupancy to convert from existing nonconforming single family dwelling (front) and accessory structure (rear) to a multiple three family (front) and a one family dwelling (rear) 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 900, Section 2100 and Section 2403 of the Wyandotte Zoning Ordinance.

Motion was made by Member Flachsmann, Supported by Member Olsen to vote on each section of this appeal separately.

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

No: none

Abstain: none

Absent: none
Motion passed

SECTION 900: DENIED (As of December 3, 2019, Zoning Ordinance Amendment came into effect).
Principal uses permitted. A. All principal uses permitted in the RM-2 Multiple-Family Residential Districts.
B. All principal uses permitted in the RM-1 Multiple-Family Residential District and subject to all the regulations and requirements of the RM-1 District.

Multiple-family dwellings and single-family dwellings are allowed in a RM-3 Zoned District, however, the use of a multiple-family building and a single family building on the same lot/parcel is not specifically permitted.

Proposed use variance does not constitute a hardship by the applicant based on the RM-1 district regulations and requirements of the zoning ordinance.

Motion was made by Member Flachsmann, Supported by Member DiSanto to **deny** this section of the appeal.

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

SECTION 2100: GRANTED

The minimum sideyard setback in an RM-3 District is: a minimum 3' sideyard setback and a total sideyard setback of a minimum of 10'. The current sideyard setbacks are 3' and 5'5", for a total of 8'5".

Proposed setback requirements do not interfere with adjacent buildings or land, and conform to the intent and purpose of the zoning ordinance.

Motion was made by Member Flachsmann, Supported by Member Wienclaw to **grant** this section of the appeal.

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

First Motion.

Motion was made by Member DiSanto, Supported by Member Trupiano to deny this appeal.

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

Motion passed failed to pass.

SECTION 2403: DENIED

The required off street parking for a multiple family dwelling is 1-1/2 parking spaces for each dwelling unit of 1 bedroom plus 1 additional parking space for guests. Proposed use, including the proposed conversion of the storage building, will require $1\text{-}1/2 \times 4 = 6$ offstreet parking spaces plus 1 guest space for a total of 7 offstreet parking spaces required. Currently, no offstreet parking spaces are provided.

Note: Stamped and sealed drawings will be required for conversion to a multiple family dwelling if approved.

Proposed off street parking requirements does not constitute a hardship by the applicant based on the RM-1 district regulations and requirements of the zoning ordinance.

Motion was made by Member DiSanto, Supported by Member Flachsmann to **deny** this section of the appeal.

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

No: none

Abstain: none

Absent: none

Motion passed

Second Motion:

Motion was made by Member Wienclaw, Supported by Member Flachsmann to grant this section of the appeal. This motion was withdrawn.

First Motion:

Motion was made by Member DiSanto, Supported by Member Trupiano to deny this section of the appeal.

Yes: DiSanto, Duran, Gillon, Trupiano

No: Flachsmann, Nevin, Olsen, Szymczuk, Wienclaw

Abstain: none

Absent: none

Motion failed to pass.

Appeal #3315 – GRANTED

Pizzo Development Group, LLC, 349 Antoine, Wyandotte (appellant) and Judy Owens, 2818 – 6th Street, Wyandotte (owner)

for a variance to obtain a building permit for a new single family dwelling with attached garage at 2818 – 6th Street, S 72.50 feet of Lots 6 and 7, Block 171, in a RT zoning district, where the proposed conflicts with Section 2100 of the Wyandotte Zoning Ordinance.

SECTION 2100:

A maximum of 35% lot area coverage for a single family dwelling is allowed in a RT Zoning district. Proposed home would exceed allowable lot coverage by 1.2% or 90 sq. ft.

Proposed lot coverage requirements 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 Szymczuk, Supported by Member Olsen to grant this appeal.

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

No: none

Abstain: none

Absent: none

Motion passed

Appeal #3316– GRANTED

Mark Silka, 906 Cherry, Wyandotte (owner & appellant)

for a variance to obtain a building permit for an existing garage floor with footings at 906 Cherry, That pt of Lots 3 and 4 lying E of DT and I RR ROW Plat of Eureka Iron Co's sub block 261, in a RA zoning district, where the proposed conflicts with Section 2100(b) and Section 2402.F of the Wyandotte Zoning Ordinance.

SECTION 2100(b):

Where a sideyard abuts a street, the minimum width of such yard shall not be less than 5' except in instance of a multiple dwelling, such sideyard shall not be less than 10'. A distance of not less than 8' shall be provided between the dwelling and a dwelling on an abutting lot.

The concrete slab with footings, installed without a necessary building permit, is located zero (0) feet from the East property line abutting 9th Street where 5' is required.

SECTION 2402.F:

For detached accessory structures, an exterior wall shall not be located less than three (3) feet from interior lot lines except accessory structures less than 200 sq. ft. in area may be built on interior lot lines with no part thereof protruding over said lot line. There shall be no opening in any wall which is located less than 3' from an inter lot line.

The existing slab with footings, installed without the necessary building permit, is located zero (0) feet from the west interior property line where three (3) feet is required.

NOTE: The lot is irregular and in the shape of a triangle. If a variance is granted, the west wall will need to have a one (1) hour fire rating from both sides.

Proposed setback requirements 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 Trupiano, Supported by Member Flachsmann to grant this appeal.

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

No: none

Abstain: none

Absent: none
Motion passed

Appeal #3317 – GRANTED

Patrick Gallagher, 4069 – 18th Street, Wyandotte (owner & appellant)

for a variance to obtain a building permit for an addition at 4069 – 18th Street, Lot 69, Wesley A. Richard's Sub. No. 3, in a RA zoning district, where the proposed conflicts with Section 2402.E and 2100 of the Wyandotte Zoning Ordinance.

SECTION 2402.E:

No detached accessory building shall be closer than 10' to any main building. The existing garage is approximately 8' from the proposed enclosed bedroom at the rear of home.

SECTION 2100:

In a RA zoning district, 35% lot coverage is allowed. The current lot coverage already exceeds the allowable by 126 s.f. or 37%. The proposed structure will be changed from an existing nonconforming open porch to an enclosed bedroom and open porch, exceeding the allowable lot coverage. This change will not affect the current lot coverage.

Proposed lot coverage and distance requirements 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 Szymczuk, Supported by Member Wienclaw to grant this appeal.

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

No: none

Abstain: none

Absent: none

Motion passed

Appeal #3318 – GRANTED

MI Custom Signs, 20109 Northline, Taylor (appellant) and Jerry's Ace Hardware, 2245 Fort, Wyandotte (owner)

for a variance to obtain a sign permit for a pole with LED changeable message board at 2245 Fort, Lots 88 thru 94, Scherer's Westgate Manor Sub., in a B-2 zoning district, where the proposed conflicts with Section 2408.F.2.b.3 of the Wyandotte Zoning Ordinance.

SECTION 2408.F.2.b.3:

The maximum area of a pole sign is limited to 120 sq. ft. Applicant is proposing a 32 sq. ft. LED changeable message board that will result in a total sign area of 152 sq. ft., exceeding the allowable area by 32 sq. ft.

Proposed changeable message sign will not be objectionable to nearby dwellings, with no noise or flashing lights, nor interfere with the public right-of-way, adjacent land or buildings, and will conform to all other ordinance standards.

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

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

No: none

Abstain: none

Absent: none

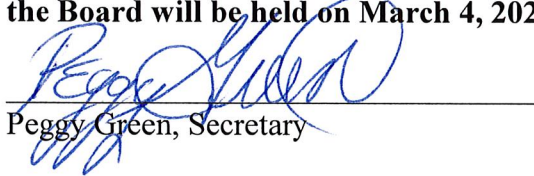
Motion passed

OTHER BUSINESS:

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

There was discussion among the Board Members that since the parking (Section 2403) regarding Appeal #3314 was denied, this meant it was denied for turning the home into a 3 family dwelling. The Board agreed.

There being no further business to discuss, the meeting adjourned at 8:00 p.m. **The next scheduled meeting of the Board will be held on March 4, 2020** (no appeals were received for the February 5 meeting).


Peggy Green, Secretary

Appeal #3314

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

Mr. Evans explained that this is an older neighborhood, and there is very little parking for anyone, and the City has provided to parking lots, Lot #5 is used 66% during the day, and 21% in the evening, Lot #6 is used 21% during the day and less in the evening, there are lots of spaces in the lot. Mr. Evans continued that the building has set empty for several years, and he wants to restore it. Mr. Evans continued that he has been working with the Building Department, and he wants to convert a couple of the floors to apartments, and he wants to use the old boat house for himself to live in. Mr. Evans added that there are a number of multiple family units in the area with 4 or 5 units, and some have even converted the old boat houses in rentals, and some have spaces above the garage. Mr. Evans also added that parking pads have also been put in all over, and that 12 properties have parking pads in front yard on VanAlstyne, they either built new ones or widened the old ones.

Mr. Evans continued that when he purchased the home there were 92 code violations on the inspection list, and he has found even more. Mr. Evans added that the neighbors would like to see the house stay vacant, and that the neighbor to the left has 4 units and parking in the front, and that is nonconforming. Mr. Evans stated that if his appeal is granted, he will add curb appeal to the property.

Member DiSanto asked Mr. Evans when did he purchase the property. Mr. Evans replied late September. Member DiSanto asked if he knew it was a single family dwelling when he bought it. Mr. Evans replied yes, but it could be a multiple if he met the requirements.

Member Olsen asked Mr. Evans if he planned on living in the home. Mr. Evans replied that he wants to live in the secondary building, he doesn't want to have to climb steps anymore.

Member DiSanto and Member Flachsmann discussed the recent ordinance change allowing single family dwellings. Member Flachsmann commented that he counted 17 front parking on VanAlstyne.

Pat & Lynn Kearney, 3179 VanAlstyne.

Mrs. Kearney stated that their property abuts Mr. Evans's property to the north, and they do oppose the appeal. Mrs. Kearney continued that they do own a conversion home, but it was done in the 1940's and they purchased it that way. Mrs. Kearney added that now if a single family dwelling were to burn down, it would be rebuilt, and felt that was the reason for the ordinance change. Mrs. Kearney continued that in the evenings, there is a lot more traffic, and the parking lots are packed if there is a function downtown. Mrs. Kearney also stated they have to have front yard parking, but their house sits back about 75' from the sidewalk. Mrs. Kearney stated that in 1978 when they bought their property, the building next door was a boat house.

Mr. Kearney stated that they have been waiting 5 years for someone to occupy the house next door, and they were looking forward to it being a single family dwelling.

Joe Voszatka and Alicia Bogus, 3166 VanAlstyne.

Mr. Voszatka stated that he had written a letter and submitted to the Board at the December 4, 2019, meeting (attached to minutes). Mr. Voszatka stated that Mr. Evans has to meet certain criteria for the Zoning Board to grant a variance, and he does not see that.

Carolyn Belcher, 3219 VanAlstyne.

Ms. Belcher stated that the building in the rear at 3213 VanAlstyne is 16' from her property. Ms. Belcher added that she enjoys her backyard, and the lots are very small. Ms. Belcher continued that Mr. Evans wants to put 4 families on a 37' lot, and to build a new house in Wyandotte, you need a lot bigger lot than that. Ms. Belcher continued that the parking is terrible, there is not enough space for 4 units, it would create a hardship on her family.

Robert and Joyce Jacques, 3200 VanAlstyne.

Mrs. Jacques stated that she is opposed to the appeal, and is not looking forward to a 4 family. There is no room for parking in the front. Parking is bad during the summer and Art Fair, and is busy all the time. Mrs. Jacques added that the smaller city lot is full all day, and the larger city lot will get even busier if a restaurant goes into the vacant restaurant spot on Biddle.

Five (5) communications were received in opposition to this appeal.
Mr. Evans also supplied a packet to the Board, which is filed in the Zoning File.

Appeal #3315

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

Judy Owens, owner, present.

Ms. Owens explained that they want to build a nicer home, make it a little bigger, and only asking for 90 square feet variance.

Member Trupiano asked if the existing home would be demolished. Ms. Owens replied yes.

No communications were received regarding this appeal.

Appeal #3316

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

Mark and Karen Silka, owners, present.

Mrs. Silka explained that they purchased the home in 2016 and converted it to a single family dwelling, and now they want a 2 car garage. Mrs. Silka added that the lot is very irregular, and the lot lines have changed many times over the years, there have been issues with the lot lines, but now they have been cleared up. The garage would be too close to the street and the vacated alley. Mrs. Silka stated that there was some confusion, the appeal stated 0' from the east lot line, and there is 2' and 1' to the north. Mrs. Silka added that there are no neighbors.

Member Nevin stated that he would like to compliment them on the property, and can see that many improvements have been made, and they are doing a nice job and have improved the neighborhood. Member Flachsmann asked who owned the property to the north. Mrs. Silka replied that it was half city and half railroad. Member Flachsmann commented that the house looks great.

Member Gillon asked when the slab was poured. Mrs. Silka replied that the old garage was torn out, and they hired Oscar's Cement to prep for a new garage, and they applied for a permit, but did the work before the permit was issued.

Member Trupiano commented that it looks like the survey shows more property than the City states.

Dan Exner, 2489 – 21st, Wyandotte, contractor.

Mr. Exner stated that he will be building the garage and had applied for the permit and discussed the irregular lot, and added that the Mr. & Mrs. Silka just want a garage. Mr. Exner added that the previous contractor did not follow the proper steps, and he does not feel that the wall needs to be fire rated, and they are trying to do the right thing.

David Levely, 843 Cherry, Wyandotte.

Mr. Levely stated that he is all for the garage.

4 communications were received in favor of this appeal.

Appeal #3317

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

Patrick Gallagher, owner, present.

Mr. Gallagher stated that about 10 years ago he put the porch on the back, it is 8'4" from the garage, he had the air condition moved to the side, and now he wants to build the bedroom out, and expand the bathroom. Mr. Gallagher added that his mother-in-law lives with them now, and he needs the extra space.

Mr. Gallagher discussed the fire rating, walls and construction, and added that he will fire rate all 3 walls.

Member Flachsmann asked if this was an existing porch. Mr. Gallagher replied yes.

Member Trupiano commented that it was a nice looking home.

No communications were received regarding this appeal.

Appeal #3318

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

Mike Richardson, owner, present.

Mr. Richardson stated that he would like to have the message center, and 2 nonconforming signs will come down off the pole.

No communications were received regarding this appeal.

November 26, 2019

10 OF 21
3314

City of Wyandotte
Zoning Board of Appeals

RE: Appeal # 3314 – 3213 Van Alstyne Street, Wyandotte, Michigan

To the Zoning Board of Appeals Board Members:

We are opposed to the request of John Evans to convert the existing single-family home into a 3-unit dwelling, and convert the existing storage building in the rear yard into an additional 1-unit dwelling, for the reasons specified below.

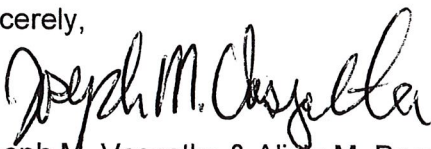
According to the City's Zoning Ordinance, Section 2704.C,1, the Zoning Board of Appeals may grant a "Non-Use Variance" if the applicant shows practical difficulty by demonstrating all of the following:

- (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.


Regarding the criteria above, the applicant has failed to demonstrate a practical difficulty for the following reasons:

- (a) The property owner may use the property as it was previously used for many decades, a single-family dwelling; therefore, strict compliance with setback and parking requirements, etc., would not "render conformity unnecessarily burdensome."
- (b) A variance would not do "substantial justice to other property owners in the district..." or "...be more consistent with justice to others." Existing buildings with 4-5 residential units in the immediate area have adequate off-street parking or were converted into multi-unit buildings decades ago. Also, the trend in the neighborhood in the last 20-30 years has been to convert previously existing two-unit buildings into single-family dwellings, including our house at 3166 Van Alstyne (which was a two-unit residence until approximately 1995), and 3148 Van Alstyne, (which was a two-unit residence until approximately 2010).
- (c) The plight of the owner **IS NOT** due to unique circumstances of the property. Many homes on Van Alstyne (and throughout Wyandotte) are on non-conforming lots and don't require conversion of an existing single-family home into a total of four (4) residential units.
- (d) The "problem" **IS** self-created. The owner purchased the property and knew (or should have known) what uses are allowed. The property should remain as a single-family home.

Sincerely,



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



11 OF 21
3314

November 22, 2019

City of Wyandotte
Zoning Board of Appeals and Adjustments

RE: Appeal # 3314 (3213 VanAlstyne, Wyandotte)

To the Zoning Board of Appeals Board Members:

We do apologize that we are not able to attend this hearing on December 4th, 2019 in person due to a previous commitment but request our letter be read at the meeting.

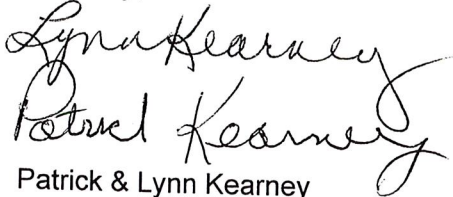
We are writing with regards to John Evans' request to convert the property located at 3213 VanAlstyne, Wyandotte, MI from a single family dwelling into a 3 unit rental as well as the conversion of the garage/storage rear building into a single family dwelling.

We reside to the property just north of 3213 and would like it noted that we are totally against this proposal for the following reasons:

1. 3213 VanAlstyne has always been a single-family dwelling and was purchased as a single-family dwelling; not as a 3 unit plus one. If this conversion would be allowed, this would be setting precedence for the other 20+ single-family properties on the street for future conversions upon sale. If this were to pass, would it be stipulated for long or short term rentals? Where does the city stand on Airbnb's? Is this something that's next on the plate?
2. There is no off-street parking available for the required parking spaces nor is there room to add any; the existing side lots are not wide enough to allow a driveway for parking.

If you have any questions or would like further discussion, we are available.

Sincerely,



Patrick & Lynn Kearney
3179 VanAlstyne St.
Wyandotte, MI 48192

November 27, 2019

City of Wyandotte

Zoning Board of Appeals

RE: Appeal # 3314

3213 Van Alstyne , Wyandotte , Michigan

12 OF 21
3314
RECEIVED
12-3-19

We are opposed to the request of John Evans to convert the existing single-family dwelling into a three-unit dwelling and to convert the existing storage shed in the rear yard into an additional single-family unit.

We reside at 3219 Van Alstyne on the south side. We are against the proposal for the following reasons.

3213 Van Alstyne has always been a single-family house. It recently has been sold and purchased as a single family home.

The houses in this area are very close together on small narrow lots. The proposed single-family dwelling in the rear yard is sixteen inches from the property line. We have many family activities in our yard as most families do. Someone living sixteen inches from our yard would restrict our ability to enjoy our yard.

On our block we have three apartment buildings, The Biddle House, a city owned parking lot that is used by the patrons of commercial buildings on Biddle. Many people use Van Alstyne to avoid the very busy intersection at Eureka and Biddle.

Sincerely,

Franklin & Carolyn Belcher

Franklin T Belcher
Carolyn Belcher

13 OF 21

3314

RECEIVED
12-3-19

November 23, 2019

City of Wyandotte

Zoning Board of Appeals and Adjustments

Re: Appeal # 3314 (3213 Van Alstyne

To the Zoning Board of Appeals Board Members

I am not able to attend this meeting due to work schedule.

I reside at 3218 Van Alstyne across the street from 3213 Van Alstyne

I am opposed to the request of John Evans to convert the existing single-family home into a three-unit dwelling and to convert the storage shed in the rear yard into an additional one-unit dwelling.

The dwelling at 3213 Van Alstyne has always been a single-family home and was purchased as such. The lots in the area are very narrow and crowding people together is not pleasant for anyone. The other apartments in that area have larger yards and their own parking. Parking in that area can be a real hassle especially when there are activities downtown. Van Alstyne street is a unique street that adds to the charm of downtown Wyandotte. Ordinances were developed as a valuable tool to ensure that properties maintain their character, safety and value for the whole neighborhood.

Sincerely

Ryan Nace

Ryan Nace

RECEIVED

DEC 04 2019

CITY OF WYANDOTTE

14 of 21

3314

December 4, 2019

City of Wyandotte
Zoning Board of Appeals

RE: Appeal # 3314 – 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 #3314 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 from Wyandotte Zoning Ordinance

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; 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.
- b) **A variance would not do “substantial justice to other property owners in the district.”** One definition of “justice” is: “*conformity to truth, fact, or reason.*” **The applicant has failed to demonstrate that the variance would “do substantial justice to other property owners in the district.”** To document how this variance, if approved, would actually be contradictory to the truth, facts, and “substantial justice to other property owners,” attached to this communication is a table summarizing land use information in the area (Exhibit 1).

To summarize, the table identifies the applicant’s property in yellow, and then compares other properties and summarizes them into three (3) different color categories, as follows:

1. The orange color indicates at least six (6) other properties that are similar in lot frontage, lot size, and year built. **Note: All properties are existing single-family homes;**
 2. The grey color indicates two (2) properties previously converted from single-family homes into multi-family homes many decades ago (in the 1940s for the property at 3175 Van Alstyne); **Note: Both properties have larger lot frontage and lot sizes than the applicant’s property AND provide adequate off-street parking for their housing units** (as detailed in the Exhibit); and
 3. The information with no color indicates three (3) properties that have smaller lot frontage and lot sizes than the applicant’s property. **Note: All properties are existing single-family homes.**
- 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,” and as previously indicated above and in Exhibit 1, there are no “unique circumstances of the property.”
 - d) **The “problem” IS self-created.** The owner purchased the property and knew (or should have known) what uses are allowed and the requirements for each use. Further, the applicant has failed to demonstrate that the “problem” is not self-created.

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.**

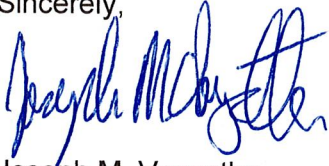
In conclusion, the applicant hasn’t demonstrated any of the requirements for practical difficulty. In fact, the information presented above specifically demonstrates how the variance request fails to meet any of the criteria, let alone all four (4) criteria.

3314

Thank you for your consideration of this information.

Sincerely,

16 OF 21

A handwritten signature in blue ink, appearing to read "Joseph M. Voszatka".

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

Attached: Exhibit 1 – Land Use Information for Waterfront Properties in The Area of 3213 Van Alstyne: Zoning Board of Appeal #3314

EXHIBIT 1

LAND USE INFORMATION FOR WATERFRONT PROPERTIES IN THE AREA OF 3213 VAN ALSTYNE: WYANDOTTE ZONING BOARD OF APPEAL #3314

17 of 21

3314

Summary Comparison of Properties	Overall Number of Houses/ Buildings	Number of Houses/ Buildings North (N) or South (S) of Applicant	Address ¹	Owner Occupied (O) or Renter Occupied (R) ²	Number of Residential Housing Units ²	Number of Off-Street Parking Spaces ²	Lot Width/ Frontage on Street (Feet) ¹	Average Lot Depth (Feet) ¹	Total Lot Area (Square Feet) ¹	Total Lot Area (Acres) ¹	Zoning ³	Principal Building Area (Square Feet) ¹	Garage/ Boat House Area (Square Feet) ¹	Year Built ¹
PROPERTIES SIMILAR TO APPLICANT'S PROPERTY	1	8 - N	3115 Van Alstyne	O	1	2+	37.5	148	5,550	0.127	RM-3	3,352	150	1923
PROPERTIES SMALLER THAN APPLICANT'S PROPERTY	2	7 - N	3127 Van Alstyne	O	1	2+	25	148	3,700	0.085	RM-3	1,010	0	1954
PROPERTIES SMALLER THAN APPLICANT'S PROPERTY	3	6 - N	3133 Van Alstyne	O	1	1	25	148	3,700	0.085	RM-3	1,711	0	1870
PROPERTIES SIMILAR TO APPLICANT'S PROPERTY	4	5 - N	3137 Van Alstyne	O	1	2	37.5	148	5,550	0.127	RM-3	1,922	0	1915
PROPERTIES SIMILAR TO APPLICANT'S PROPERTY	5	4 - N	3147 Van Alstyne	O	1	2	50	148	7,400	0.170	RM-3	3,433	280	1910
PROPERTIES SIMILAR TO APPLICANT'S PROPERTY	6	3 - N	3157 Van Alstyne	O	1	1	37.5	152	5,700	0.131	RM-3	2,083	0	1918
PROPERTIES LARGER THAN APPLICANT'S PROPERTY	8	2 - N	3165 Van Alstyne	R	4	5	50	152	7,600	0.174	RM-3	3,178	0	1907
PROPERTIES LARGER THAN APPLICANT'S PROPERTY	7	1 - N	3175 Van Alstyne	O	5	7	112.5	152	17,100	0.393	RM-3	3,303	575	1905
APPLICANT'S PROPERTY	9	0	3213 Van Alstyne - Existing Use	?	1	1	37.5	152	5,700	0.131	RM-3	2,361	504	1904
PROPERTIES SIMILAR TO APPLICANT'S PROPERTY	10	1 - S	3219 Van Alstyne	O	1	1	37.5	152	5,700	0.131	RM-3	2,726	0	1906
PROPERTIES SIMILAR TO APPLICANT'S PROPERTY	11	2 - S	3227 Van Alstyne	O	1	2+	37.5	152	5,700	0.131	RM-3	2,590	833	1906
PROPERTIES SMALLER THAN APPLICANT'S PROPERTY	12	3 - S	3231 Van Alstyne	R	1	2	25	155	3,875	0.089	RM-3	1,472	0	1916

Notes:

1. Source: City of Wyandotte Assessing Records
2. Source: City records and visual inspection
3. Source: City of Wyandotte Zoning Map on City's Web site (as of December 3, 2019)

Peggy Green

3316

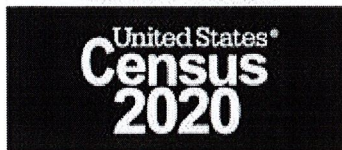
From: Peggy Green
Sent: Wednesday, January 08, 2020 1:56 PM
To: 'Rose Darin'
Subject: RE: zoning appeal for 906 Cherry St.

18 OF 21

RE: Appeal #3316 - Received

Peggy Green
Engineering and Building Department
City of Wyandotte
3200 Biddle Avenue, Suite 200
Wyandotte, Michigan 48192
734-324-4551 Ext. 2053

Together, we can ensure
that our community receives the
resources it needs.



Learn more at 2020census.gov

From: Rose Darin [<mailto:rosedarin1@gmail.com>]
Sent: Wednesday, January 08, 2020 1:50 PM
To: Peggy Green
Subject: zoning appeal for 906 Cherry St.

To whom it may concern,

My husband and I live at 851 Orchard St and we are unable to attend the zoning board of appeals meeting this evening. We do want to let the board members know that we both have no objection to the variance for that property allowing the homeowners to build a garage. That piece of property is useless to any other person and adding a garage will increase the home value for the property owners of 906 Cherry as well as improve the neighborhood.

Thank you for your consideration.

Best regards,

Rose Darin
851 Orchard St,
Wyandotte

1-3-2020

Milt & Sherry Seyler
862 Cherry Street
Wyandotte, MI 48192

3316

19 OF 21

To whom it may concern :

As neighbors of Mark & Karen Silka at 906 Cherry: this is to advise that we do not object to the addition of a 2 car garage at the rear of their property. We understand that the structure will be 1-3 feet closer to the street but do not feel this will pose any issues in regards to location, or neighborhood appearance.

Please kindly consider their request for a zoning variance .

Very Sincerely,

Milton Seyler
Sherry Seyler

1-3-2020

3318



20 OF 21

Robert & Jennifer Cabanaw
3537 9th Street
Wyandotte, MI 48192

As neighbors of Mark & Karen Silka at 906 Cherry: this is to advise that we do not object to the addition of a 2 car garage at the rear of their property. We understand that the structure will be 1-3 feet closer to the street but do not feel this will pose any issues in regards to location, or neighborhood appearance.

Please kindly consider their request for zoning a variance .

Very Sincerely,

1-3-2020

3316

Dan and Gail Dow
867 Pine Street
Wyandotte, MI 48192

21 of 21

To whom it may concern :

As neighbors of Mark & Karen Silka at 906 Cherry: this is to advise that we do not object to the addition of a 2 car garage at the rear of their property. We understand that the structure will be 1-3 feet closer to the street but do not feel this will pose any issues in regards to location, or neighborhood appearance.

Please kindly consider their request for a zoning variance .

Very Sincerely,

Gail Dow 1-7-2020
Dan Dow 1-7-2020