MINUTES AS RECORDED

MINUTES OF THE MEETING OF November 2, 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: Duran
Olsen
Szymczuk
Trupiano
Roberts – alternate member

MEMBERS ABSENT: DiSanto, Flachsmann, Gillon, Wienclaw

ALSO PRESENT: Kelly Roberts, Secretary

Chairperson Duran gave condolences to the family of Member Nevin who passed away in October.

A motion was made by Member Olsen, supported by Member Szymczuk to approve the minutes of the July 20, 2022.

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

Appeal #3378 – APPROVED
Nicholas King, 2232 12th Street (owner & appellant)

for a variance to obtain a concrete permit to replace driveways at 2232 12th Street (Lots 3 & 4, Yost's Sub.) in a RA zoning district, where the proposed conflicts with Section 190.324.C of the Wyandotte Zoning Ordinance.

Section 190.324.C:
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 chapter.

Proposed plans to remove and replace existing driveways and walkway to house.

Note: Driveway to the north of the property is conforming, as well as the walkway. Driveway to the south in violation of Wyandotte parking requirements. New concrete structures must conform to zoning ordinances

Proposed off street parking due to removal and replacement of existing driveway will not be detrimental to the adjacent, land and buildings, or impair the intent of the ordinance.

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

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

Appeal #3379 – TABLED
Wyandotte Crossings/National Trails – Joe DiSanto, 21980 Sibley Road, Brownstown (owner & appellant)

for a variance to obtain a Certificate of Occupancy for a bus/transportation vehicle storage lot at 3897 Fort Street (north vacant lot) (Lots 24-25-26-27-28 Also the N 57' of Lot 29 exc the Wly 194' of Lots 24-25 and N 14' of Lot 26, John M Welch's Nursery Park Add'n) in a B-2 zoning district, where the proposed conflicts with Section 190.185 of the Wyandotte Zoning Ordinance.

Section 190.185:
A bus/transportation storage lot is not a principal use permitted.

Insufficient members present to vote.

Motion was made by Member Szymczuk, Supported by Member Trupiano to table this appeal to the December 7, 2022 meeting.

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

Appeal #3380 – DENIED
Michael Loria, 2955 23rd Street, Wyandotte (owner & appellant)

for a variance to obtain a concrete permit for a driveway at 2955 23rd Street (N 40' of the S 120' of Lot 427 also N 40' of the S 120' of the S 58.50' of Lot 426, Assessor's Wyandotte Plat No. 12) in a RA zoning district, where the proposed conflicts with Section 190.324(c) of the Wyandotte Zoning Ordinance.

Section 190.324(c):
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 chapter.

The proposed 17.2' wide concrete between the sidewalk and the home qualifies as front yard parking and is in violation of the Wyandotte Zoning Ordinance:

Proposed driveway was constructed without a permit and also encroaches across neighbor's property line. Due to these violations, the driveway will need to be restructured to conform to the intent of the current zoning ordinance.

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

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

Appeal #3381 – GRANTED
Anthony McDonald, 2011 Oak Street, Wyandotte (owner & appellant)

for a variance to obtain a Certificate of Occupancy for a front yard fence at 2011 Oak (Lots 119, 120 & 121, Eureka Estates Sub) in an O-S zoning district, where the proposed conflicts with Section 190.327.B of the Wyandotte Zoning Ordinance.

Section 190.327.B:
No residential or non-residential fence or wall shall be erected in a required front yard except that on lots with a side lot line adjacent to an alley or a street, a decorative or ornamental fence shall be allowed, such as but not limited to, a split rail or a two-rail fence, but not to include chain link or fences of solid type construction and not exceeding 4' in height, may be constructed along the alley, street line or extension of the side yard to the front of said lot.

Proposed fence would be a 6' high fence extending 20'-4" into the required front yard and terminate 8' from the front property line.

Proposed front yard fence does not hinder or discourage additional development adjacent to current land or buildings, does not hinder pedestrian or vehicular traffic, and does not impair the purpose of the ordinance as written.

Motion was made by Member Olsen, Supported by Member Szymczuk to approve this appeal. Note: owner changed fence to be 10 feet from the front property line.

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

Appeal #3382 - GRANTED
Valerie Grant, 457 Elm, Wyandotte (owner & appellant)

for a variance to obtain a concrete permit for a driveway at 457 Elm (Lot 1 exc N 70' of the W 40', also Lot 2 exc the E 5', Block 125) in a RT 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 be permitted within a required front yard unless otherwise provided for in this chapter.

Proposed driveway does not extend at least 20' past the front of the house, thereby creating front yard parking.

Proposed off street parking will not be detrimental to the adjacent, land and buildings, or impair the intent of the ordinance.

Motion was made by Member Olsen, Supported by Member Szymczuk to approve this appeal.

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

OTHER BUSINESS:
Motion was made by Member Trupiano, Supported by Member Szymczuk to approve the 2023 meeting schedule of the Zoning Board of Appeals.
Motion Passed.

Motion was made by Member Olsen, supported by Member Trupiano 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 December 7, 2022.**

Kelly Roberts, Secretary

Appeal #3378

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

Mr. Nicholas King, 2232 12th Street, Wyandotte, owner and appellant.

Mr. King indicated that he has a driveway on both sides of his home. Mr. King continued that the street is very congested and further indicated that this is the approach to their front porch.

Chairperson Duran asked if he has a garage.

Mr. King indicated that he does and the driveway on the south goes to the garage.

Member Szymczuk asked if the property was a single-family dwelling.

Mr. King indicated yes.

Member Olsen stated that the driveway does go past the front porch.

Mr. King indicated yes about 7 or 8 feet past. Mr. King further indicated that he has a vinyl fence across that side of the yard and it would be expensive to remove it.

No communications were received regarding this appeal.

Appeal #3379

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

Joseph DiSanto, Wyandotte Crossings, Owner.

Mr. DiSanto indicated that they purchased the property 3 years ago and have been marketing it with no or little success. Mr. DiSanto indicated that National Trials came to him and needed a site to house 13 busses and 4 mini-vans for a short period of time. Mr. DiSanto indicated that they need a site with an office and restrooms. Mr. DiSanto indicated that he feels the City Engineer made a mistake in interrupting Section 190.195 F which allows passenger bus stations as a similar use. Mr. DiSanto further stated that he is looking to allow this for a period of 2 years.

Member Olsen asked Mr. DiSanto if he was constructing an office in the current building at the site.

Mr. DiSanto stated yes.

Member Olsen asked if this use is for a two (2) year period.

Mr. DiSanto stated yes. Mr. DiSanto stated that the trailer would be removed when the office is completed along with the port-a-potties.

Member Olsen asked about the parking requirements.

Mr. DiSanto stated that they have plenty of parking, there are 300 parking spots.

Member Olsen asked when the office would be completed.

Mr. DiSanto stated a couple of weeks.

Claude Rushlow, 3826 22nd Street.

Mr. Rushlow indicated that he lives behind where the buses are parked. Mr. Rushlow stated that he cannot open his windows because of the diesel fumes coming into his windows. Mr. Rushlow stated further that they have no permit for the fence and there is a 300 gallon diesel tank next to the residential property that is not safe. Mr. Rushlow stated that they start the busses at 5:30 a.m. and they are very noisy. Mr. Rushlow stated that he can't enjoy his property.

Helen Higgins, 4004 22nd Street.

Ms. Higgins stated that she use to be a bus driver and indicated that she feels this lot is too close to the residential properties, especially the apartment building. Ms. Higgins stated that there is no protection around the diesel tank and if it gets hit it could slide through the fence. Ms. Higgins passed out pictures.

Ms. Higgins stated that they start at 5:30 a.m. with their pre-trip routine which includes turning on the lights, opening and closing doors of the buses, starting the engines to let them warm up and this is an all year use, not just during the school year. Ms. Higgins stated further that there is a port-a-potty where anyone could use and wondered how often it was emptied. Ms. Higgins stated further that when it snows, where would the snow be stored once there are buildings built in the front area. Ms. Higgins stated that she feels this use will lower the value of their property.

Ed Williams, owner of the apartment building at 2301 Orchard.

Mr. Williams indicated that the diesel tank is about 20 feet away from his residential building and he has been receiving complaints from the tenants. Mr. Williams asked if the tank could be moved.

Catherina Tuxbury, 4024 23rd Street, Wyandotte.

Ms. Tuxbury wanted to know how water is going to be supplied to the building. Ms. Tuxbury indicated that she is not in support of this project. .

Chairperson Duran stated that they will be using the current building and there is water there.

Ms. Tuxbury asked about the trailer that is on the site.

Member Olsen stated that the trailer is temporary and once the office in the building is completed the trailer and port-a-potties will be removed.

Mr. Dave England, 4044 23rd Street, Wyandotte.

Mr. England stated that he has lived in his home for 35 years and he supports the residents here today. Mr. England indicated that the diesel tank is an accident waiting to happen and that he does not think it is to code or compliance for above ground tanks.

Member Olsen indicated that the tank looks like the tanks that are used in his businesses and looks in compliance.

Mr. England indicated that it is way too close to the residential properties.

Member Olsen indicated that if the use is approved everything will need to be up to code.

Mr. England stated that he is very concerned about the tank and something bad happening.

Mr. DiSanto indicated that he will take all the concerns that the neighbors have into consideration and he will look at the tank and move it away from the residents. Mr. DiSanto further indicated that the trailer and the port-a-potties are just temporary and they will be gone soon.

Mr. DiSanto further stated that he would like this hearing tabled until the December meeting, due to lack of membership to vote.

Chairperson Duran indicated that this use needs 6 members to vote and there are only 5 members are present.

All members agreed for this hearing be tabled.

No communications were received regarding this appeal.

Appeal #3380

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

Michael Loria, 2955 23rd Street, Wyandotte.

Mr. Loria handed out pictures and information to the board members.

Member Olsen asked if a permit was secured.

Mr. Loria indicated no permit was secured before the work was done. Mr. Loria indicated that after the work was completed the city notified them that a permit was required.

Member Olsen indicated that it looks like from google maps that there were brick pavers there previously and if you pull up adjacent to the home no one could get out of the car on the side of the home.

Mr. Loria indicated that he did have brick pavers there and he just removed them and put in concrete.

Mr. Loria continued that he was informed by the adjacent property owner that the contractor placed 5 inches of concrete on his property at 2947 23rd Street. Mr. Loria wanted the board to know that this was done in error. Mr. Loria indicated that he has always gotten along with his neighbors.

Mr. Yee, 2947 23rd Street, Wyandotte.

Mr. Yee indicated that they have owned their house since 1968 and he has never seen a handicap person come to the home at 2955 23rd Street as Mr. Loria pictures represent. Mr. Yee further indicated that Mr. Loria has no respect for other people's property.

Mr. Yee submitted pictures to the board.

Mr. Yee indicated that Mr. Loria parks on his property, the driveway does not meet code and is pitched towards his basement. Mr. Yee further stated that when they put in a driveway, a curb was required as to direct water away from the neighbor's property, Mr. Loria's driveway has no curb.

Mr. Yee further indicated that one of the pictures show that the driveway is on his property and Mr. Loria has removed the survey marker which is a violation of Section 75.383 Michigan Survey Requirements.

Mr. Yee indicated that Mr. Loria does not use this for parking, but he has 5 vehicles and double parks in the front yard as shown in the picture submitted.

Mr. Yee stated that the variance should be denied and Mr. Loria needs to comply with the ordinance.

Mr. Loria indicated that it was not his intent to be in violation. Mr. Loria stated that hired a contractor and he thought they knew what they were doing. Mr. Loria indicated that he did not mean to pour the concrete on his neighbors property.

Member Olsen stated that one of pictures show parking on gravel which is not your property.

Mr. Loria indicated that he had no bad intent. Mr. Loria continued he just removed the brick pavers and poured concrete. Mr. Loria indicated that he has lived in his home for 25 years and wants a good relations with the neighbor, no disrespect.

No communications were received regarding this appeal.

Appeal #3381

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

Anthony McDonald, 2011 Oak Street, Wyandotte.

Mr. McDonald indicated that they have removed the parking lot and gravel and have installed a water evasion system to direct the water away from the building. Mr. McDonald further stated that they don't have a rear yard and would like to fence in the side yard for use as a rear yard. Mr. McDonald further indicated that they have placed grass and started the fence. Mr. McDonald submitted pictures of the fence and the area to the board.

Mr. McDonald further indicated that the alley will remain open, the fence will be 10 feet from the property line and not 8 feet as indicated on the drawing, this will allow for backing out safely.

Mr. McDonald further indicated that he has received favorable support from the neighbors.

Mrs. McDonald stated that no fence will go up on the east side of the building, they would just like to have some type of rear yard to use.

Lisa Gunter, 2917 21st Street, Wyandotte.

Ms. Gunter indicated that she is withdrawing her communication dated October 27, 2022 and is now in support of the fence.

Mr. McDonald stated that they will be wrapping the alley side of the fence polls that you see in cedar. Mr. McDonald stated that they want to make the fence look good and match the building.

Member Trupiano asked if the fence is now 10 feet from the front property line.

Mr. McDonald stated yes, it will line up with the garage on 21st Street.

Member Olsen asked if there would be a gate.

Mr. McDonald indicated that it would be on the side adjacent to their driveway.

Mrs. McDonald stated that there will be landscaping in front of the fence adjacent to Oak Street.

Mr. Yee, 2947 23rd Street, Wyandotte.

Mr. Yee indicated that when they saw the fire house shut down, they were concerned, but they are glad Mr. and Mrs. McDonald took on the project and thanked them.

Marshall Wymore, 2016 Oak Street, Wyandotte.

Mr. Wymore indicated that he lives across Oak Street and is in favor of the variance, Mr. and Mrs. McDonald have done an outstanding job with the property. Mr. Wymore further stated that they have removed the old crumbled parking lot and they have no rear yard.

Mr. Wymore stated that he is in favor of this appeal.

One communication was received but it was withdrawn.

Appeal #3382

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

Valerie Grant, 457 Elm Street, Wyandotte.

Ms. Grant indicated that they have purchased part of the city owned property adjacent and installed a vinyl fence across the property. Ms. Grant indicated that they would like to put in a driveway to the fence and indicated that there is already a curb cut there.

Member Olsen indicated that there is not any rear yard due to the building in the rear and Elm Street is one-way and there is not much parking on the street. Mr. Olsen further stated that if Ms. Grant puts in a gate you could go back 20 feet which is required.

Ms. Grant indicated that if they did that they would not be required to park there, they would not have to use it.

Member Olsen stated that is correct.

Member Trupiano asked who owns the vacant property to the east. Ms. Grant stated it is city owned.

Ms. Avelina Solis, 464 Elm Street, Wyandotte.

Ms. Solis stated that she lives across the street from Ms. Grant and she is in support of the appeal.

No communications were received in favor of this appeal.