

AGENDA

ZONING BOARD OF APPEALS AND ADJUSTMENT

MEETING DATE: WEDNESDAY, August 5, 2020

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The meeting of the Zoning Board of Appeals and Adjustment will be held at 6:30 p.m., local standard time, in the third floor Council Chambers of the Wyandotte City Hall, 3200 Biddle Avenue, Wyandotte, Michigan

APPEAL #3327

Dustin Donigan, 3847 Miller Way S., Bloomfield, Michigan (owner & appellant)

for a variance to obtain a Certificate of Occupancy to change from 4 units to 5 units (Section 2403.R.1.b), concrete permit for parking (Sections 2403.R.a.b, 2404) and building permit to change occupancy from 4 units to 5 units (Section 2100) at 3107 VanAlstyne (Lots 99 and 100, Eureka Iron and Steel Works Resub, in a RM-3 zoning district, where the proposed conflicts with Sections (listed above) of the Wyandotte Zoning Ordinance.

SECTION 2403.R.1.b: (Certificate of Occupancy)

Multiple family residential uses require 1-1/2 parking spaces for each dwelling unit of one (1) bedroom, plus one (1) additional parking space for every eight (8) units for guest parking. Thus, the required parking for the proposed five (5) single bedroom units is nine (9) spaces. The property currently provides four (4) parking spaces.

SECTION 2403.R.1.b - REQUIRED PARKING SPACES (Concrete Permit)

Multiple family residential uses require 1 1/2 parking spaces for each dwelling unit of 1 bedroom and 2 parking spaces for each 2 bedroom unit, plus 1 additional parking space for every 8 units for guest parking. Thus, the required parking for the proposed four (4) single bedroom units and one (1) two bedroom unit is nine (9) parking spaces. Four (4) existing nonconforming stacked off street parking spaces are currently provided. The applicant is proposing an additional four (4) parking spaces between the curb and sidewalk. This requires Police and Fire Commission approval, Mayor and Council approval, and execution of a hold harmless agreement and grant of license. Additionally, if the four (4) parking spaces out front are approved the relocation of the ONE WAY sign and the removal of a city tree is required. The owner shall be responsible for these costs. The applicant has not secured the required approvals.

SECTION 2404 - LAYOUT STANDARDS (Concrete Permit)

The proposed 4/5 stacked parking spaces in the driveway is not allowed and is an existing nonconforming condition. The prior zoning ordinance only allowed double stack parking utilized for an individual unit. The current zoning ordinance has no language allowing stacked parking of any kind and is thus not permitted. Furthermore, stacked parking for multiple tenants would cause issues exiting the building. To be in compliance with the parking demands, five (5) additional parking spaces would be required to be created, in the rear yard, perpendicular to the driveway with the driveway route to remain open.

SECTION 2404 - LAYOUT STANDARDS (Concrete Permit)

Furthermore, the zoning ordinance requires that when 6 or more parking spaces are created, the parking plan shall be approved by the Planning Commission. Note, there shall be a five (5) foot green belt of landscaping obscuring the parking area along with an additional 10 square feet of landscaping required per parking space. All of the landscaping is required to be irrigated. The proposed parking plan does not address this requirement.

SECTION 2100: (building permit)

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The minimum single side yard requirement is 3.00 feet. The existing non-conforming multifamily residential dwelling (4 units) has a side yard of 2.82 feet (south). The proposed conversion from 4 units to 5 units would perpetuate the non-conformance.

The maximum allowable lot coverage is 40% or 2,960 square feet. The existing non-conforming multifamily dwelling (4 units) has a lot coverage of 3,142 square feet. Thus, exceeding the maximum by 1,825 square feet. The proposed conversion from 4 units to 5 units would perpetuate and increase the non-conformance.

APPEAL #3329

Aaron Burnett, 2666 – 22nd Street, Wyandotte (appellant) and Phyllis Soltz Tr., 18947 Milburn, Livonia (owner)

for a use variance in accordance with Section 2407.C.2 to obtain a Certificate of Occupancy for plumbing and construction storage/shop at 1040 Ford (Lots 241 and 242, G.F. Bennett's Boulevard Park Sub) in a B-1 zoning district, where the proposed conflicts with Sections 1200 and 1201 of the Wyandotte Zoning Ordinance.

SECTION 1200 Principal Uses Permitted (B-1 Zoning):

In a B-1 Neighborhood Business District no building shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided in this ordinance.

- A. All principal uses permitted in the O-S Office Service District and subject to all regulations and requirements of the O-S District except as hereinafter modified.*
- B. Any generally recognized retail business which supplies commodities on the premises, for persons residing in adjacent residential areas, such as: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods and notions, or hardware.
- C. Full service restaurants but not including bars, drive-in, or drive-through restaurants.
- D. Any personal service establishment which performs services, on the premises, for persons residing in adjacent residential areas, such as: shoe repair, tailor shops, beauty parlors, or barber shops.
- E. Business schools, or private schools operated for profit. Examples of private schools permitted herein include, but are not limited to, the following: dance studios, music and voice schools, and art studios.
- F. Other uses which are similar to the above uses.
- G. Accessory structures and uses customarily incidental to the above permitted uses, provided such buildings and uses are located on the same zoning lot with a permitted use.

SECTION 1201: Special Uses (B-1 Zoning):

The following uses may be permitted by the planning commission subject to the conditions hereinafter imposed in Article XXII for each use and subject to the review and approval of a site plan in accord with section 2607 and after a public hearing in accord with section 2608 by the planning commission.

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- A. Uses permitted as special uses and as regulated in the O-S Office Service District.*
- B. Private clubs and lodge halls.
- C. Stores that sell alcoholic beverages.

***SECTION 1100 Principal Uses Permitted (OS Zoning):**

In an Office Service District no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided in this ordinance.

- A. Office buildings for any of the following occupations: executive, administrative, professional and sales offices;
- B. Medical and dental offices, including clinics.
- C. Banks.
- D. Funeral homes (mortuaries).
- E. Churches.
- F. Municipal buildings, and public utility offices without storage yards.
- G. Other uses similar to the above uses.
- H. Accessory buildings and uses customarily incidental to any of the above permitted uses provided such uses are located on the same zoning lot with a permitted use.

***SECTION 1101: Special Uses (OS Zoning):**

The following uses may be permitted by the planning commission subject to the conditions hereinafter imposed in Article XXII for each use and subject to the review and approval of a site plan in accord with section 2607 and after a public hearing in accord with section 2608 by the planning commission.

- A. Business Services.
- B. Limited Dwellings.
- C. Bed and Breakfast Dwellings.
- D. Satellite Dish Antennas.
- E. Utility and Public Service Facilities.

The intended use for the property is inconsistent with the uses permitted in B-1 zoning districts, and because of this a Certificate of Occupancy cannot not be approved.

A plumbing and construction storage/shop is not a permitted use in a B-1 zoned district.

APPEAL #3330

Frank Mucci, PO Box 815, Trenton, Michigan (owner & appellant)

for a variance for parking to obtain a Certificate of Occupancy for small event venue 1st floor approved through rezoning at 2011 Oak Street (Lots 119, 120, 121 Eureka Estates Sub, in a B-1 zoning district, where the proposed conflicts with Section 2403.R.3.K of the Wyandotte Zoning Ordinance.

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SECTION 2403.R.3.K

Dance halls, roller rinks, exhibition halls and assembly halls without fixed seats; a minimum of one (1) parking space is required for each 75 square feet of usable floor area. In those instances where patrons are served without seating one (1) parking space for each twenty (20) square feet of standing room floor area in addition to the above requirements shall be provided. The proposed use requires a total of nineteen (19) off street parking spaces.

The parking lot at 2205 Oak has 18 paved off street parking spaces, the hair salon utilizes 11 of these parking spaces based on Section 2403.R.3.G, which provides 7 non-required spaces for proposed use at 2011 Oak (at the July 16, 2020, Planning Commission meeting, the Commission did not approve the use of the parking lot at 2205 Oak).

The proposed parking at 2011 Oak has 13 paved off street parking spaces, 10 on the west side, and 3 in front of the building, including 1 ADA van accessible parking space. The van accessible parking space will require additional paving to comply. The 2nd floor businesses requires 7 parking spaces, which provides 6 non-required spaces for the proposed use.

Therefore, based on the above, the proposed use is deficient 13 parking spaces.