

MINUTES AS RECORDED

**MINUTES OF THE MEETING OF September 6, 2023
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
McDonald
Szymczuk
Trupiano
Green (alternate member)

MEMBERS ABSENT: DiSanto, Gillon, Olsen, Wienclaw

ALSO PRESENT: Peggy Green, Secretary
Jesus Plasencia, City Engineer

A motion was made by Member Flachsmann, supported by Member Szymczuk to approve the minutes of the June 7, 2023, meeting.

Yes: Duran, Flachsmann, Green, McDonald, Szymczuk, Trupiano

No: none

Abstain: none

Absent: DiSanto, Gillon, Olsen, Wienclaw

Motion passed

Appeal #3391 -GRANTED

Allen Colegrove, 267 Spruce, Wyandotte (owner & appellant)

for a variance to obtain a concrete permit for parkway parking at 261-267 Spruce (W 68' of Lots 1 and 2, also W 68' of N 10' of Lot 3, Grand Cross Sub., Block 77) 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 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 applicant is proposing to replace parkway parking and front yard parking as evidenced from historical parking patterns

Proposed front yard parking will not hinder or discourage the appropriate development or use of adjacent land and buildings, or impair the intent of the ordinance.

Motion by Member Trupiano, supported by Member Szymczuk to grant this appeal.

Yes: Duran, Flachsmann, Green, McDonald, Szymczuk, Trupiano

No: none

Abstain: none

Absent: DiSanto, Gillon, Olsen, Wienclaw

Motion passed

Appeal #3392 -DENIED

Marianne Jones, 1079 10th Street (owner & appellant)

for a variance to building permit #PBLD22-0814 for a carport at 1079 10th Street (N 8' of Lot 78 also Lot 79 also S 3' of Lot 80, Ford Centre Sub.) in a RA zoning district, where the proposed conflicts with Sections 190.323(a) and 190.290 of the Wyandotte Zoning Ordinance.

Section 190.323(a):

Where the accessory building is structurally attached to a main building, it shall be subject to the regulations applicable to main buildings.

Section 190.290:

Minimum sideyard requirements are at least 4' for one side yard and at least 12' for both side yards.

The building permit application indicated 4' of space between north edge of carport and property line. Carport was constructed to edge of driveway, thereby yielding 1' between carport and property line. Carport not constructed per submitted drawings. Notice of Violation was sent June 5, 2023.

The currently constructed carport is attached to the main home, thereby making it subject to main building regulations. The structure in its current state does hinder and discourage the appropriate development or use of adjacent land and buildings, and does not constitute a hardship by the applicant based on the current use requirements of the zoning ordinance

Motion by Member Szymczuk, supported by Member McDonald to deny this appeal.

Yes: Duran, Flachsmann, Green, McDonald, Szymczuk, Trupiano

No: none

Abstain: none

Absent: DiSanto, Gillon, Olsen, Wienclaw

Motion passed

Appeal #3393 -GRANTED

Brian Kramer/RHD, 511 Elm, Wyandotte (appellant) and Steven Shubert, 2637 1st, Wyandotte (owner)

for a variance to obtain a building permit for a covered porch at 2637 1st (N 40' of Lots 13 and 14 and the W 10' of the N 40' of Lot 12, Block 54) in a PD zoning district, where the proposed conflicts with Section 190.290 of the Wyandotte Zoning Ordinance.

Section 190.290:

A minimum of a 4' sideyard setback is required for a single family dwelling. Proposed covered front porch would have a 2'-8" sideyard setback.

Proposed covered porch will not be detrimental to adjacent land or buildings, will not interfere with the public right-of-way, and will conform to all other ordinance standards.

Motion by Member Flachsmann, supported by Member Trupiano to grant this appeal.

Yes: Duran, Flachsmann, Green, McDonald, Szymczuk, Trupiano

No: none

Abstain: none

Absent: DiSanto, Gillon, Olsen, Wienclaw

Motion passed

OTHER BUSINESS:

Motion was made by Member Flachsmann, supported by Member Trupiano to place communications on file.
Motion passed.

There being no further business to discuss, the meeting adjourned at 7:35 p.m. **The next scheduled meeting of the Board will be held on October 4, 2023.**


Peggy Green, Secretary

Appeal #3391

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

Allen Colegrove, owner, present.

Mr. Colegrove passed out pictures to the members.

Mr. Colegrove stated that he just wants to replace what is existing.

Member Flachsmann commented that the property is all wrong, depth, location, setbacks, and people parking under addition, but there is not much more you could do with the property, that location of Spruce is not a very used street.

One communication was sent to Mayor and Council in approval at the August 14 meeting.

Appeal #3392

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

Marianne Jones, owner, present.

Mrs. Jones explained that the carport was built with the best of intentions, it was built as an overhang over the door for her disabled husband, they need the access to be free from rain and snow. Mrs. Jones continues that she did get a permit, and there were modifications that were verbally made, she believed that she was in

compliance, and found out not approved when she wanted to close the permit. She is asking for a variance, her husband is 100% bedridden, and access to the front of house is hindered, she needs the side entrance for emergency, it will put a stress on her income to remove the carport.

Member Trupiano stated that the documentation submitted is difficult to follow, it looks like the awning is 9'8" side, and the concrete is 13'6", he can understand why the application was approved. Member Trupiano asked if that was her intent. Mrs. Jones replied no, she had showed the inspector (Mr. Mayhew), 13'6" is to the side of her property.

There was discussion regarding the drawing submitted.

Mrs. Jones commented that she was not aware that it was considered an accessory structure until June. Mrs. Jones added that Mr. Mayhew saw where the post holes were going, and he ok'd it. When she went to close the case, then she was told that she would need a variance. Mrs. Jones stated that it is actually 2' from the property line. Mrs. Jones stated that she wants to be able to get her husband in the car, she doesn't know why she wasn't notified there was a problem. Member Trupiano stated that he thought the awning was 9'8" according to the drawing. Mrs. Jones added that it is all open, not enclosed, open on all three sides.

Member Flachsmann asked if the permit was issued to the homeowner. Mrs. Jones replied yes. Member Flachsmann stated when a permit is issued, it is signed that you are agreeing it will be to code, and if connected to the house with a roof, then it is part of the house. Member Flachsmann added that Mrs. Jones took responsibility when installing the carport, and that Mr. Mayhew checked the depth of the holes, if the structure with the roof was moved back, it will be in accordance. Member Flachsmann added that a contractor checks the codes. Mrs. Jones stated that she asked Mr. Mayhew if everything was good, and he said yes. Member Flachsmann asked if the structure was up. Mrs. Jones replied not when inspected, and he told her to ignore the letter. Member Flachsmann commented that when he looked at the slab, it was 1' off property line, and you need 4'. Mrs. Jones said she did not know that until June 5. Member Flachsmann commented that the inspector only inspects what he is told to inspect, and the inspector checked the post holes and said ok.

Member Flachsmann commented that the City has a great 911 Emergency Program. Mrs. Jones added that they have been to the house many times.

Member Flachsmann stated that maybe they could shorten the roof. Member Flachsmann and Mrs. Jones discussed the measurements. Mrs. Jones stated that she needs this size to get her husband into the car, she has a lift.

Member Flachsmann commented that an inspector inspects, they are not an instructor.

Mrs. Jones stated that the person that complained does not even live there. Member Flachsmann commented that the building inspector did not approve the inspection, it was not a complaint.

Member McDonald stated that there was confusion with the plot plan, it does appear to be 4' of space from the plot plan submitted, and all the violation notices said the same thing. Mrs. Jones stated that one violation was put on the post. Member McDonald asked when the post holes were dug to 42". Mrs. Jones replied beginning of June. Member McDonald commented that violation notices had been sent, and added that there is a lot of gray area.

Jean Ventura, 1098 10th Street, present.

Ms. Ventura stated that this is very confusing, how will this interfere with the safety of the neighbor, it does not appear obstructive or an eyesore. Ms. Ventura asked if they wanted her to trim it closer. Chairperson Duran replied that was one option. Ms. Ventur asked if they could put a roof over the ramp. Member Flachsmann commented then it would be considered part of the house. Chairperson Duran commented that she could work with the Engineering Department for her options.

There was discussion why the footings had to be 42" because it was connected to the house.

Member Flachsmann commented that the person doing the work should know the codes and ordinances.

Neil DeBlois, attorney, present (copy of communication sent attached).

Mr. DeBlois stated that Mr. Haney is asking for the ordinances to apply, there is nothing unique about this lot, there is no hardship, but a personal need. There is a ramp in front that he did not see a permit for that. Mr. DeBlois continued that there is no basis for variances. There was discussion regarding the setbacks. Mr. DeBlois stated that Mr. Haney wants the rules to apply to all. Mr. DeBlois added if granted would be setting precedence.

Mr. Plasencia stated that he had spoken with Joe Mayhew and the initial violation of the footing depth was corrected, but subsequent letters still showed it was a violation.

Member Trupiano commented that the Engineering Department was under the impression that the awning would be back 3'11", there was some confusion. Mr. Plasencia confirmed as the applicant later stated this dimension was from the adjacent home and not the property line as indicated on the plot plan.

Member Flachsmann commented that each case is individual, does not set precedence, each case is handled differently. A violation was sent, he wishes Mrs. Jones would have asked if the overhang could be to the property line, and would have been told no.

Two (2) communications were received in opposition to this appeal.

Appeal #3393

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

Brian Kramer (appellant) and Steven/Shannon Shubert (owner) present.

Mr. Shubert explained that his wife's father was a minister and they bought the childhood home when it was offered to them. They want to stay with the original footprint of the porch that was taken down. Mr. Shubert added that there was a letter of support from the church.

Member McDonald asked who owned the driveway to the right. Mr. Kramer replied it was part of the Church. Member McDonald asked about the parking pad. Mr. Kramer stated that it was the resident's parking. Member McDonald expressed concern about the drainage.

Member Flachsmann commented that he has no problem with it.

Mrs. Shubert explained some of the history of the property, and the porch will have the same footprint. Mrs. Shubert added that this has been designated as an historic property, and they want to make it look original.

One communication was received in favor to this appeal.

Commissioners

John Harris
Douglas Melzer
Bobbie Heck



POLICE COMMISSION

Wyandotte Police Department

Brian Zalewski-Chief of Police
Archie Hamilton-Deputy Chief of Police
Laura Allen-Administrative Assistant
2015 Biddle Ave.
Wyandotte, MI 48192
734-324-4424

7 OF 10
#3291 9-6-23
ZB mtg

July 25, 2023

Honorable Mayor and Council
City of Wyandotte
3200 Biddle Avenue
Wyandotte, MI 48192

RE: CONCRETE PERMIT FOR PARKWAY PARKING – 267 SPRUCE

Honorable Mayor DeSana and Council Members,

We, the members of the Wyandotte Police and Fire Commission have reviewed the documentation provided by Police Chief Brian Zalewski and the City of Wyandotte Engineering Department. We are in concurrence to approve the replacement of the existing concrete driveway/parking pad in front of 261-267 Spruce, even though the parking pad conflicts with city ordinance 72.005(A)-Parkway Parking, and 190.324(C)-Parking Requirements.

Sincerely,

Doug Melzer, President
Wyandotte Police and Fire Commission



8 OF 10

LAW OFFICES OF NEIL C. DEBLOIS

9-6-23
ZB mtg

Zoning Board of Appeals and Adjustment
City of Wyandotte, MI
3200 Biddle Ave.
Wyandotte, MI 48192

August 28, 2023

RECEIVED

SEP 01 2023

CITY OF WYANDOTTE

Re: Appeal #3392; Hearing scheduled 9/6/2023

3392

Dear Honorable Members of Wyandotte ZBA:

Please be advised that I represent Bradley Haney, owner of 1069 10th St. and I write to express Mr. Haney's opposition to the proposed variance for the non-conforming car port installed at 1079 10th St.

Mr. Haney's house is immediately adjacent to the north of the subject parcel and is directly affected by the non-compliant structure constructed by the applicant. Mr. Haney objects to any deviation from the building code and requests the applicant's request for variance be denied.

It appears that the applicant's request is for a "non-use" variance as defined in the Wyandotte code of ordinances section 190.394 (C)(1). From the information provided in the application there appears to be no legal basis for the board to grant such a variance under the circumstances. The applicant cannot demonstrate that there is anything exceptional regarding the shape or condition of her lot that is unique in comparison to any other lot in the subdivision. Further, permitting this use materially disadvantages Mr. Haney's property. The proposed variance would be harmful in that it could impair an adequate supply of light and air to Mr. Haney's home and diminishes access in the event of fire or rescue.

Another question is raised as to why the original permit was granted since it does not appear to comply with the minimum 12 foot total setback required under ordinance section 190.290. According to the assessor's field sheet, this is a 41-foot-wide lot, and the residence is 24 feet wide. Subtracting the minimum setbacks of 12 feet leaves a margin of only 5 feet. Assuming that the south-side setback is the minimum 4 feet, the north-side minimum setback would be 8 feet, not the 4 feet proposed in the original plan as submitted for the permit.

In summary, Mr. Haney strongly objects to the requested variance and respectfully submits that such a grant under the circumstances exceeds the discretion of the Zoning Board of Appeals to grant.

Respectfully submitted,

Neil C. DeBlois

NCD/efa

21905 Garrison Street, Dearborn, MI 48124 - (313) 914-7389

eFAX: (734) 407-5056

www.NeilDeBlois.com email: NeilDeBlois@outlook.com

RE: #3392

RECEIVED
SEP 05 2023
CITY OF WYANDOTTE

9 OF 10

September 2, 2023

9-6-23

ZB MTC

Wyandotte Zoning Board,

I am responding to the letter requesting a variance to building permit #PBLD22-0814, a carport located at 1079 10th St.

I oppose granting the variance for the following reasons:

- A building permit application indicated the necessary specifications.
- Construction occurred approximately in November.
- It turns out the carport is just a metal awning over the driveway.
- In my opinion, a carport has sidewalls and is enclosed.
- What happens when the house next door has water issues related to the structure's location?
- If a variance is being requested, was it negligence on the builder's part or at the insistence of the homeowner?

Sincerely,

Karen Kasper

Karen Kasper

1070 10th St.



FIRST CONGREGATIONAL CHURCH
UNITED CHURCH OF CHRIST

10 OF 10
9-6-23
EST. 1892
ZB mtg

RECEIVED

SEP 01 2023

CITY OF WYANDOTTE

3393

City of Wyandotte
Department of Engineering and Building
Zoning Board
3200 Biddle Avenue Suite 200
Wyandotte, Michigan 48192

August 28, 2023

Dear Zoning Board of Appeals,

This letter is in reference to Appeal #3393 whereas Brian Kramer and Steven Shubert are asking for a variance to obtain a building permit for a covered porch at 2637 1st Street. We, First Congregational Church at 98 Superior, the adjoining property, are in support of this appeal.

Respectfully submitted,

Doug Pettigrew
Moderator

Pam Pintar
Clerk

Sue Forsman
Treasurer