

MINUTES AS RECORDED

**MINUTES OF THE MEETING OF April 1, 2009
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, 3131 Biddle Avenue, Wyandotte.

MEMBERS PRESENT: Calvin
Duran
Gillon
Lapp
Nevin
Olsen
Wilkie

MEMBERS ABSENT: DiSanto, Trupiano

ALSO PRESENT: Sheila Johnson, Acting Secretary

A motion was made by Member Gillon supported by Member Calvin to approve the minutes of the March 4, 2009, meeting, as recorded.

Yes: Calvin, Duran, Gillon, Lapp, Nevin

No: none

Abstain: Olsen, Wilkie

Absent: DiSanto, Trupiano

Motion passed

Appeal #3076 – GRANT w/stipulation

Eureka Properties, 375 Eureka, Wyandotte (owner & appellant)

for a variance to obtain a Certificate of Occupancy for a lot split at proposed South 42' of Lots 4 and 5, Block 151, Plat of Part of Wyandotte (529 & 535 Eureka – Parcel #1) and proposed N 98' of Lots 4 and 5, Block 151, Plat of Part of Wyandotte (537 Eureka – Parcel #2), in a B-1 zoning district, where the proposed conflicts with Section 2100 (529 and 535 Eureka) and 2400.00#3 (537 Eureka) of the Wyandotte Zoning Ordinance.

SECTION 2100: Parcel #1 (529 & 535 Eureka)

A minimum of 5000 sf of lot area required for each unit, 3 units at 5000 sf equals 15,000 sf of lot area required with 4200 sf of lot area provided.

A minimum of 35' width required per unit, 3 units at 35' equals 105 width required with 42' width provided.

A minimum of a 20' front yard required with 11.3' for 529 Eureka and 4.5' for 535 Eureka provided.

A minimum of a 4' sideyard required, 529 Eureka has a 3.2' sideyard and 535 Eureka has a 2.7' minimum sideyard. There is 24.9' between the two homes.

A minimum of a 25' rear yard setback is required, 529 Eureka has a 6' rear yard setback and 535 Eureka has a 0.7' encroachment over the rear lot line into the public alley.

A maximum of 35% lot coverage is allowed for structures, the combined coverage of 535 and 529 Eureka is 367.80 sf over the allowable lot coverage.

Note: Easement for gas line required if this lot split was approved.

SECTION 2410.00 #3: Parcel #2 (537 Eureka)

A proposed lot split that increases the nonconforming condition of a lot or parcel shall be disapproved and maybe appealed to the Zoning Board of Appeals.

Proposed will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to adjacent buildings or their use.

Stipulation: Easement to include ingress, egress and parking for residential parcels and also there is an access agreement in place to ensure that the commercial and residential properties maintain the required access.

A motion was made by Member Lapp, supported by Member Calvin to GRANT w/stipulation this appeal.

Yes: Calvin, Duran, Gillon, Lapp, Nevin, Olsen, Wilkie

No: none

Abstain: none

Absent: DiSanto, Trupiano

Motion passed

APPEAL # 3077 – GRANTED

Marie Stevenson, 27359 West River, Grosse Ile, (owner & appellant)

for a variance to obtain a Certificate of Occupancy to provide no off street parking for the *2nd floor dwelling at 3033 & 3035 Biddle, in a CBD zoning district, where the proposed conflicts with Section 2403.P.(1)a of the Wyandotte Zoning Ordinance.

SECTION 2403.P.1(a):

Requires a minimum of one off street parking space for a one family dwelling unit.

Proposed apartment in a CBD District would have no off street parking spaces provided.

Note: Off street parking on site is not required for other uses except residential.

*(Note: Section 1301.D: Wyandotte Zoning Ordinance requires Special Use Approval of the Planning Commission for a 2nd floor dwelling. This will be appealed to the Planning Commission).

Proposed will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.

A motion was made by Member Calvin, supported by Member Olsen to GRANT.

Yes: Calvin, Duran, Gillon, Lapp, Nevin, Olsen, Wilkie

No: none

Abstain: none

Absent: DiSanto, Trupiano

Motion passed

OTHER BUSINESS:

There being no further business to discuss, the meeting adjourned at 6:55 p.m. **The next scheduled meeting of the board will be held on May 6, 2009.**

Sheila Johnson, Acting Secretary

Appeal #3076

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

Jason Jarjosa, Eureka Properties, present.

Mr. Jarjosa explained that the property is nonconforming and it has 3 residential units, and 2 commercial units (residential – south side of property, commercial north side of property, front Eureka). What they are proposing is to split the property east/west. There are 2 lots now, but one of the residential units sets on the rear of the lot with the commercial property. They want this for a couple of reasons: They had an offer for the commercial portion of the property, the prospective buyer did not want the residential. They may or may not be selling. The individual hoping to purchase the commercial portion was also going to be adding a new business in the vacant building next to the existing commercial use.

Chairperson Duran confirmed that there is a chicken restaurant there now. Mr. Jarjosa stated that was correct.

Mr. Jarjosa continued that they want to separate the residential and commercial appropriately. Mr. Jarjosa stated that they did get new plans drawn up, with an easement for the sewer approved, they are discussing the parking, and there will be an easement for access to the residential units to have access.

Member Nevin asked if when the lots were split, they would still be coming in off Eureka. Mr. Jarjosa replied that was correct. Mr. Jarjosa referred to the drawing, and stated that the shaded area would be the easement. The actual lot split is to split from front from the back. Member Nevin asked if there was a street at the rear of the residential property. Mr. Jarjosa replied that there was a paved alley.

Member Lapp commented that Monroe Bank and Trust also uses that alley for entrance to their parking lot.

Member Nevin stated that it looks like some parking spaces for the commercial property will be lost. Mr. Jarjosa replied no, it will be the same. Member Nevin asked if they would be installing a fence. Mr. Jarjosa replied no, there is a wall that is there now that was required when the commercial building was built.

Member Wilkie commented that they want to create an easement that would stop any commercial development from taking away access to the residential in the back. Mr. Jarjosa replied yes.

Member Lapp stated that one of the residential units is a 2 family, and the other is a single. Mr. Jarjosa stated that was correct. Member Lapp commented that currently the lots are 50 x 140, a typical Wyandotte lot. Member Lapp discussed the easement being recorded and asked who would maintain control of the residential units. Mr. Jarjosa replied that they would. Member Lapp expressed concern of someone purchasing the front and blocking off access to the residential units in the rear. Mr. Jarjosa stated that since they will maintain the residential, they will make sure that it has appropriate protection.

Member Lapp asked about the gas easements. There is a letter from DTE stating that they are not involved, and the appeal states that an easement is required for the gas line. Member Lapp asked where the gas lines are. Mr. Jarjosa replied that he does not know.

There was discussion regarding the gas and water lines.

Member Lapp commented that the easement for the gas line needs to be resolved.

Member Gillon asked if the 5 back parking spaces are for the residential units. Mr. Jarjosa replied yes.

Member Gillon expressed concern regarding the parking.

One communication was received regarding this appeal.

Appeal #3077

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

Leo Stevenson, Marie Stevenson's husband, present.

Mr. Stevenson stated that they purchased the building about 9 months ago, Good Eat's is in the lower level. An attorney was renting the upper, but he will be moving out to his new place on Oak and 2nd. Mr. Stevenson continued that commercial on the second floor is no longer viable, residential is very successful. It is a good thing for the downtown. They have been working with Claude Marcoux, Building Inspector, and have a \$100,000 budget.

Chairperson Duran asked Mr. Stevenson if he had a potential tenant. Mr. Stevenson replied no, not now the construction will take 3 or 4 months. Chairperson Duran commented that there is no where to park in the rear, but there is a city lot.

Member Todd stated that he lives downtown, and had no problem parking.

Member Gillon asked how long the unit has been vacant. Mr. Stevenson replied about 2 months ago. Member Gillon asked about the unit. Mr. Stevenson stated that it would be 1 unit with 2 bedrooms.

Member Calvin commented that the owner should check with Engineering for all the different events, because vehicles will be towed. Mr. Stevenson stated that most of the time he feels that the tenant would use the back parking lot.

Chairperson Duran asked if there was access to the unit from the front and rear. Mr. Stevenson replied just from the front.

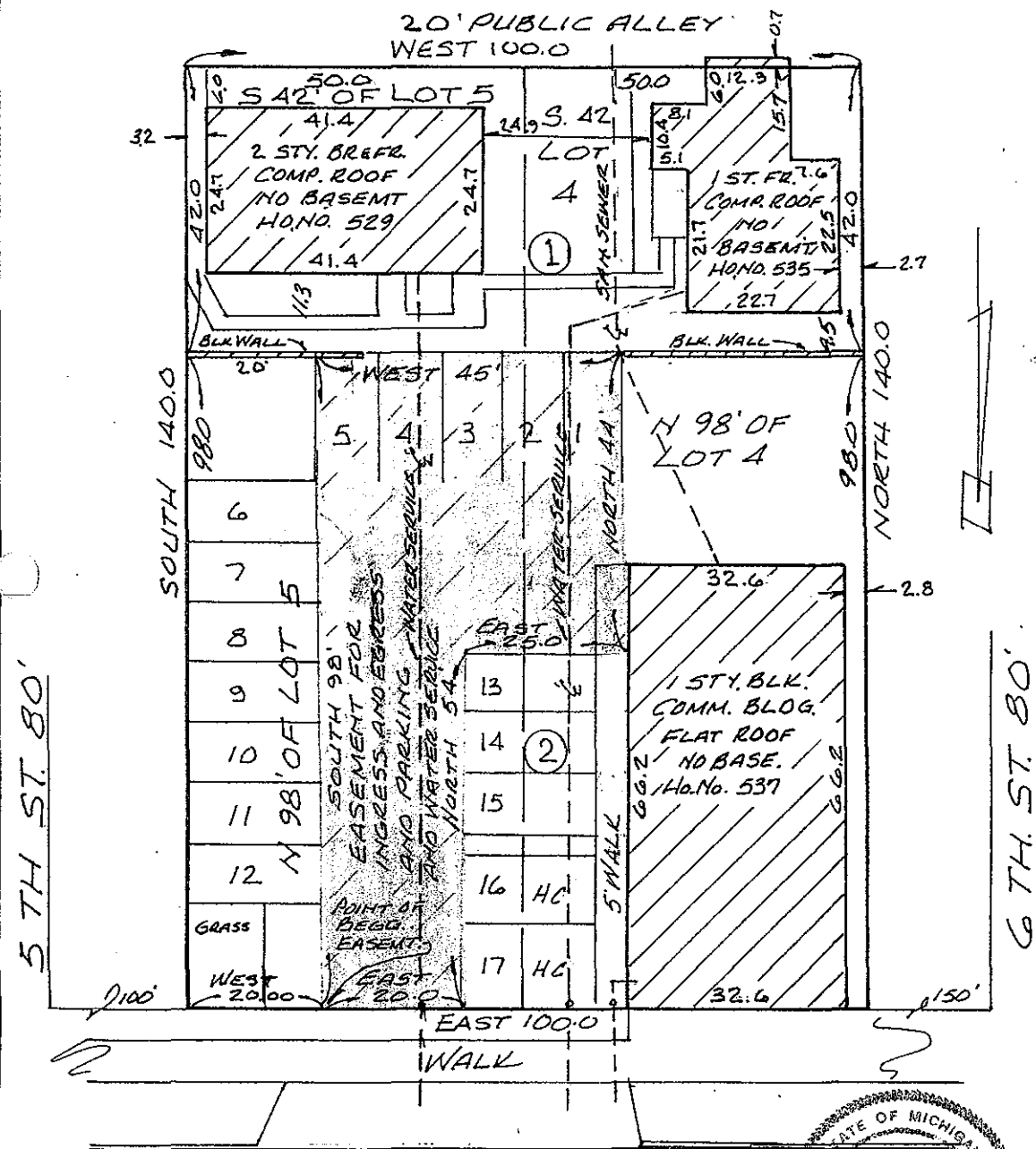
Member Lapp asked Mr. Stevenson if he brought in any sketches of what he wants to do. Mr. Stevenson replied no. Member Lapp asked how much space was up there. Mr. Stevenson replied that the upper unit will be between 1200 and 1300 square feet. Member Lapp asked if rear access was required for a residential unit. Mr. Stevenson replied no, but there is a large sprinkler system required.

No communications were received regarding this appeal.

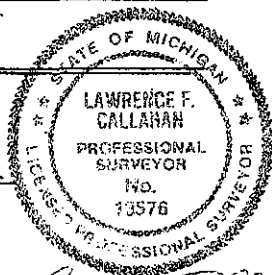
**PLAN OF SURVEY
 FOR**

Eureka Properties, Inc.

DESCRIPTION



EUREKA ROAD 100



Scale **1"=20'**
 Date **12-8-08**
 Drawn by **KV**

LAWRENCE F. CALLAHAN
 Registered Land Surveyor
 21922 Van Born • Dearborn Hgts., Michigan 48125
 Phone (313) 562-1180
 Fax (313) 562-7831

Job **6702-1**
 Checked by _____

DTE Energy – MichCon Gas Co.
3200 Hobson Street, Noble 2F
Data Integrity and Technology
Detroit, MI 48201

DTE Energy



#3076

February 19, 2009

City of Wyandotte
Zoning Board of Appeals
3131 Biddle Ave.
Wyandotte, MI 48192

RE: APPEAL #3076

To Obtain a Certificate of Occupancy for 529, 535 and 537 Eureka Road

(X) Not Involved. See Remarks and attached Notice of Public Hearing

- () Involved: but asking you to hold action on this petition until further notice.
- () Involved: but no objections to the property change -- provided an easement of the full width of the public right-of-way (street, alley or other public place) is reserved.
- () Involved: the nature of our services, and the estimated costs of abandonment of such all gas mains & services.

REMARKS:

DTE Energy - MichCon Gas Company has no involvement, nor objection to the proposed Certificate of Occupancy appeal.

Please abide by Public Act 53, three (3) working days before you dig call MISS DIG at: 1-800-482-7171.

Michcon's Gas Leak Emergency Phone Number 1-800-947-5000.

Sincerely,

Eddie A. Reyes
Data Integrity

/EAR
Enclosure