

MINUTES AS RECORDED

**MINUTES OF THE MEETING OF July 15, 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: Alderman
Cusson
Duran
Gillon
Nevin
Olsen
Trupiano

MEMBERS ABSENT: DiSanto, Lapp

ALSO PRESENT: Peggy Green, Secretary

A motion was made by Member Olsen supported by Member Gillon to approve the minutes of the June 17, 2009, meeting, as recorded.

Yes: Alderman, Cusson, Duran, Gillon, Nevin, Olsen, Trupiano

No: none

Abstain: none

Absent: DiSanto, Lapp

Motion passed

Appeal #3084 – GRANTED

Michael Sadowski, 1041 Cedar. Wyandotte (owner & appellant)

for a variance to obtain a Certificate of Occupancy to provide no off-street parking at 1711 – 13th Street, on Lot 148, Bennett's Blvd. Park Sub., in a RA zoning district, where the proposed conflicts with Section 2403.R.1.a of the Wyandotte Zoning Ordinance.

SECTION 2403.R.1.a:

Which requires one (1) off street parking space for a single family dwelling.

Proposed variance will not be a detriment to the development of adjacent districts or uses, and does not interfere with the safety or movement of other vehicular or pedestrian traffic at this location.

A motion was made by Member Nevin, supported by Member Olsen to grant this appeal.

Yes: Alderman, Cusson, Duran, Gillon, Nevin, Olsen, Trupiano

No: none

Abstain: none
Absent: DiSanto, Lapp
Motion passed

Appeal #3085 – DENIED

R & J Property Group, LLC, by Michael Nelson, Attorney, Legal Counsel, P.C., P. O. Box 66, Milford, Michigan (appellant) and R & J Property, LLC, 3665 – 11th Street, Wyandotte, Michigan (owner)

for a variance **to obtain a Certificate of Occupancy to keep existing gravel parking at 3627 – 11th Street**, on S 65' of the W 210' of Lot 9, Eureka Iron & Steel Works Sub., in an I-1 zoning district, where the proposed conflicts with Section 2404 of the Wyandotte Zoning Ordinance.

SECTION 2404: Off Street Parking Space Layout, Standards, Construction and Maintenance, of the Zoning Ordinance.

A parking lot is required to be asphalt or concrete, with the required landscaping, sprinkler system and decorative lighting as required by this section.

On May 21, 2001, during an upon sale inspection, the above section was cited for compliance due to the parking lot being gravel. The applicant is requesting relief from the above section and to allow the parking lot to remain gravel and to install concrete up to the fence with a proposed screened gate to obscure the visibility of the parking area from the street.

Applicant was ticketed for noncompliance on September 3, 2002, February 5, 2003, March 10, 2003, October 31, 2006, June 17, 2008, June 23, 2008, January 28, 2009, April 6, 2009.

The board's decision is that this appeal does not meet the criteria for a variance, and is based on the information provided.

A motion was made by Member Olsen, supported by Member Trupiano to deny this appeal.

Yes: Alderman, Cusson, Duran, Gillon, Nevin, Olsen, Trupiano
No: none
Abstain: none
Absent: DiSanto, Lapp
Motion passed

COMMUNICATIONS

No communications were received.

OTHER BUSINESS:

There being no further business to discuss, the meeting adjourned at 7:20 p.m. **The next scheduled meeting of the board will be held on August 5, 2009.**

Peggy Green, Secretary

Appeal #3084

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

Mike Sadowski, owner, present.

Mr. Sadowski explained that the lot is small and there is no room for a side driveway. The alley is not maintained, and there are ruts in it. There is parking available in the front on the street. The one neighbor is on the corner, and the other neighbor has a double lot. Mr. Sadowski added that now the property will be owner occupied, he has sold the home.

Member Nevin asked if they could come off the street and come around to the alley. Mr. Sadowski replied yes, but it would be tight and if he put a slab in, it would eliminate the yard.

Member Nevin commented that there appears to be enough parking on the street, it is not congested.

Member Gillon asked if the property line went all the way to the fence. Mr. Sadowski replied that the edge of the sidewalk is the property line. Member Gillon commented that it is 8' wide, and you could pour a driveway. Mr. Sadowski commented that he would be concerned about the basement walls if a driveway was put in that close.

Member Cusson stated that he had drove by a couple of times, and there was parking out front, a slab would take up most of the yard.

Member Trupiano asked how far it was from the house to the property line on the north side. Mr. Sadowski replied 8'.

No communications were received.

Appeal #3085

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

Michael Nelson, appellant, present.

Mr. Nelson stated that they would like for this variance to be granted. Mr. Nelson continued that he has worked with this client (the owners) even before they bought this

building. Mr. Nelson added that his clients have been working with the city on the outstanding matters and bringing the building back in compliance. Mr. Nelson stated that he is very confident that by putting screening and a gate would block the view, and they would also bring concrete up to the gate, and it would be aesthetically pleasing. Mr. Nelson stated that his clients were focusing on what to do with the building, now the 2nd building is being used as a garage for storage. There is no customer traffic, the employees are the only ones that park. Mr. Nelson stated again that they are asking for a variance to be considered.

Member Alderman asked the disposition of the citations that were issued. Mr. Nelson replied that all have been paid, except there is one from 2009 that needs to be paid.

Mr. Nelson commented that when his clients moved in items were complete, but they did some additional work inside, which has brought jobs into the community. Member Alderman asked if any violations are pertaining to the variance tonight. Mr. Nelson replied that his clients were cited for failure to comply with inspection violations. Member Alderman asked about the fence on the north side. Mr. Nelson stated that to the north there is a constant use and they don't see a need for an obscuring fence, it is not residential. Member Alderman asked if they had plans to beautify and landscape. Mr. Nelson replied that he was not aware of all the plans for landscaping. Member Alderman commented that the original plans showed landscaping, and nothing has been done. Mr. Nelson stated that the plans submitted for tonight show landscaping by the fence.

Member Trupiano asked how long the clients have owned the building. Mr. Nelson replied since 2001. Member Trupiano asked how many outstanding violations there were. Mr. Nelson replied very few, the item tonight was an expensive item. They have done barrier free access, a lot of the unfinished inspections were completed, but they never called for a final inspection, and the garage was part of the compliance issue. Mr. Nelson stated that once a decision was made with what to do with the building, the other items fell in place.

There was discussion regarding the violations.

Mr. Nelson stated that now, the City has the attention of the owner, not the tenant, which had dealt with some of the issues before.

Member Trupiano asked if they had received any bids on the concrete for the parking lot. Mr. Nelson replied that his clients wanted to spend very few thousands of dollars, where paving the lot would cost tens of thousands of dollars.

Member Trupiano asked if the gate would be automatic. Mr. Nelson replied that it will have a motorized mechanism to open the gate. Mr. Nelson commented that this is a snow and sweeping business and the trucks are dispatched, the gate will be closed when not interfering with business.

Member Trupiano asked about the lot across the street and if it was zoned residential. Mr. Nelson commented that the gate will shoot down Cherry Street.

Member Trupiano asked if any complaints has been received about the equipment behind the fence causing dust. Mr. Nelson replied that he was not aware of any. Mr. Nelson stated that lot is covered with a material that is compacted down, but it is not the type of material that is required by the ordinance.

Member Cusson commented that concrete would be better on the lot with all of the equipment that is going in and out, and does not see why this would be an issue.

Mr. Nelson commented that this is an economic hardship on the owner, a few thousands of dollars is obtainable, several tens of thousands of dollars is not obtainable.

Member Olsen asked if it had been a sweeping and snow plowing business since 2001. Mr. Nelson replied yes. Member Olsen commented that they have been out of compliance since 2001, it is now 2009, and they are still out of compliance. Member Olsen expressed concern that Mr. Nelson's clients are just now asking for a variance. Member Olsen added that if a new tenant was to move into the building, it would still have to be brought up to code.

Member Nevin commented that the Board is meeting tonight to talk about variance for parking lot, not the other issues. Member Nevin commented that a lot of things are going on with the property and he didn't want that to influence him.

Mr. Nelson stated that he would agree and stated that they are proposing screening and landscaping to conform with the intent of the ordinance.

Member Nevin commented that they are asking for a relief of what is required. Mr. Nelson stated that this will cause a financial hardship with the company.

Member Nevin asked if they would use this area to park. Mr. Nelson replied yes.

Mr. Nelson stated that it is his belief that it is his understanding that this is the first time his clients are asking for relief according to the Notification of Nonconformance, this is the first time they are asking for a variance. Mr. Nelson continued that he is acknowledging that it is regrettable that they are starting with a handicap, but his client wants to try and bring the property into compliance.

Member Olsen commented that a driveway is necessary.

Member Trupiano commented that it is the intent to bring the building up to code, not just for the current tenant.

Member Nevin commented that if granted, the variance is forever. The Board agreed.

Member Olsen commented that this was brought to the owner's attention in 2001, and nothing was done. Remodeling was done, but they still didn't finish the requirements.

Member Nevin expressed concern about residue from the lot being carried onto the street.

Chairperson Duran asked if the general public goes into the building. Mr. Nelson replied no, not the garage.

Member Alderman asked if the tenants were behind in payments. Mr. Nelson replied not that he knows of. They have been delinquent in taxes, but that has been paid.

There was discussion regarding the ownership of the property. Mr. Nelson described the ownership, there are 2 members who own the property, 1 is the radiator shop, one is the snow plowing.

No communications were received