

MINUTES AS RECORDED

**MINUTES OF THE MEETING OF February 3, 2010
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 Cusson to approve the minutes of the January 10, 2010, meeting.

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

No: none

Abstain: none

Absent: DiSanto, Lapp

Motion passed

#3102 – GRANTED

Michael Loria, 2955 – 23rd Street, Wyandotte, (owner & appellant)

for a variance **to obtain a building permit for a tree house at 2955 – 23rd Street** (N 40' of the S 120' of Lot 427 also N 40' of the S 120' of the W 58.50' Lot 426, Assessor's Wyandotte Plat #12) in a RA zoning district, where the proposed conflicts with Section 2402.G of the Wyandotte Zoning Ordinance.

SECTION 2402.G:

Which states that no detached accessory building in a RA zoned district shall exceed 15' in height to the ridge line, where the proposed tree house will be 16' in height to the ridge line.

Proposed does not pose a substantial detriment to the public good and does not impair the intent or purpose of the ordinance.

A motion was made by Member Gillon, supported by Member Trupiano to grant this appeal.

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

No: Olsen

Abstain: none

Absent: DiSanto, Lapp

Motion passed

COMMUNICATIONS:

A Motion was made by Member Gillon, supported by Member Trupiano, to place all communications on file. Motion carried.

OTHER BUSINESS:

There being no further business to discuss, the meeting adjourned at 7:00 p.m. **The next scheduled meeting of the board will be held on March 3, 2010.**

Peggy Green, Secretary

Appeal #3102

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

Michael Loria (owner) and family, owner, present.

Mr. Loria explained that they own their house, they have been there since 1996, they love the city, and will continue to live in this home. Mr. Loria continued that he and his children talked about making a design for a tree house, and found the design at the library. Mr. Loria expressed that this was a fantastic family endeavor and a wonderful experience. Mr. Loria continued that he did not know he needed a permit or it was causing a problem with the neighbors. Mr. Loria presented a petition with 48 signatures from neighbors in favor of this appeal. Mr. Loria stated that they would like for there to be a provision to have the tree house stay.

Chairperson Duran stated that he is in front of the board because it is considered an detached accessory building, and it is over 15' in height. Mr. Loria asked if it is not approved, he would have to bring it down to 15'. Chairperson Duran replied yes.

Member Alderman commented that no matter how the vote turns out, Mr. Loria did a great job on the tree house.

Member Trupiano commented that there is a substantial structure underneath, and asked if there was any damage to the tree. Mr. Loria replied that you are not supposed to build on a tree 1.8' in diameter or less, and this one is 2.4' in diameter. Member Trupiano asked when the tree house was put up. Mr. Loria replied September of last year.

Member Cusson commented that the tree house was built in September, and the application was not submitted until October, and they should have appealed before it was built, and if they did not know if a permit was needed, all they had to do was just call. Mr. Loria commented that he felt that the building was a play house for his children. Member Cusson commented that it looks like it blocks the view, it looks good from the street, but the neighbor behind might not like it. Mr. Loria stated that the view was blocked before by tree branches.

Member Gillon commented that it is a substantial structure, and it looks nice. Member Gillon asked how he will make modifications as the tree grown. Mr. Loria commented that he will account for when the tree grows, it is a slow process. Mrs. Loria added that there is still 2" around the house with room for the tree to grow.

Member Olsen commented that the tree house looks nice, but he has a couple of concerns. Member Olsen asked about the electric from the garage to the tree house. Mr. Loria replied that it has been disconnected, it was used for a lap top and a light. Member Olsen commented that the bolts will affect the tree, and it will eventually die. Member Olsen commented that the way it is set up, it looks like it is on the fence line, and if there is a fire, it could hit the neighbor's garage.

Member Nevin stated that he is concerned about the use, how many people will be in the structure, will there be a barbeque, and a heater. Mr. Loria replied that there would never be a barbeque, he has an oil heater and used it once, and no one lives in there, the kids like to read in it, it is just part of the backyard.

Member Nevin stated that he was making comments, but the Board is only here to vote on the height. Member Nevin asked if in all his research, did he come across anything about the height. Mr. Loris replied that he researched structure information, he did everything safely for his children. There is no permanent electricity, the extension cord has been unplugged. Member Nevin cautioned Mr. Loria on using a oil heating device. Mr. Loria stated that he only used the heater one time, it is not permanent.

Member Trupiano commented that it does look close to the side lot line. Chairperson Duran commented that that is not specified in the denial from the Engineering Department.

Member Olsen stated that he is concerned about it catching on fire and being close the property line.

Ray & Joyce Coch, 2965 – 23rd Street, neighbors, present.

Mr. Coch explained that they live next door, and they are opposed to the tree house. The tree house is close to the property line. Mr. Coch added that most tree houses are 10'-15' from the property line, he did an extensive study. They now have a lack of privacy in their backyard, he just retired, and was looking forward to enjoying his backyard, and he cannot now. Mr. Coch continued that he thought Wyandotte has strict rules, and he would like to invite the Board to come to their backyard to see their view. Mr. Coch added that this is very stressful, and even the dogs are upset.

(Mr. & Mrs. Coch also submitted a letter in opposition to this appeal).

One communication was received in opposition.

One petition with 48 signatures was received in favor of this appeal.

One communication from DTE was received.

Neighborhood Petition for the Tree House at 2955 23rd St, Wyandotte MI 48192

We, the undersigned, do not object to the current height or design of the tree house.

1. Birk in - on 2947-23 St.
Name Address
2. Mary P. Korwin 2960 23rd STREET
Name Address
3. John S. Baller 2980 23rd ST
Name Address
4. Joseph P. Beard 2972 23rd St
Name Address
5. Victoria Cole 2971-23rd
Name Address
6. Tom 2977 23rd
Name Address
7. Steve 2977 23rd
Name Address
8. W. Smith 2997-23RD.
Name Address
9. David Wright 2304 Maple
Name Address
10. Erin Stanley 2955 22nd
Name Address
11. Shanna McLenon 2967 22nd
Name Address
12. Albert J. Hopson 2976-22nd.
Name Address
13. Mary Beth Schuster 2984 22nd.
Name Address
14. Michael 3004 22nd
Name Address
15. Ronita Parritt 2992 22nd St.
Name Address
16. Edward Parritt 2982 22nd St.
Name Address
17. Bob 3012 22nd ST
Name Address
18. John 3020 22nd ST.
Name Address

ZONING BOARD

2-3-10

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Neighborhood Petition for the Tree House at 2955 23rd St, Wyandotte MI 48192

We, the undersigned, do not object to the current height or design of the tree house.

- | | | |
|-----|-------------------------|---------------------|
| 19. | <u>Debra Stephens</u> | <u>3104 22nd</u> |
| | Name | Address |
| 20. | <u>Ivor Wannenes</u> | <u>3130 22nd</u> |
| | Name | Address |
| 21. | <u>Steve Howard</u> | <u>3167 22nd</u> |
| | Name | Address |
| 22. | <u>Donna Paul</u> | <u>3161 22nd</u> |
| | Name | Address |
| 23. | <u>Anette Jacobs</u> | <u>3151 22nd St</u> |
| | Name | Address |
| 24. | <u>Shirley Lynn</u> | <u>3145 22nd</u> |
| | Name | Address |
| 25. | <u>Paul Parker</u> | <u>3139 22nd</u> |
| | Name | Address |
| 26. | <u>Jeanette Johnson</u> | <u>3131 22nd</u> |
| | Name | Address |
| 27. | <u>Lisa Clark</u> | <u>3125 22nd</u> |
| | Name | Address |
| 28. | <u>Carol Woroz</u> | <u>3005-22nd</u> |
| | Name | Address |
| 29. | <u>L. Sun</u> | <u>3001 22nd</u> |
| | Name | Address |
| 30. | <u>Cathy Wake</u> | <u>2963 22nd</u> |
| | Name | Address |
| 31. | <u>Earl Gilbert</u> | <u>2933 22nd</u> |
| | Name | Address |
| 32. | <u>John Kruger</u> | <u>2925 22nd</u> |
| | Name | Address |
| 33. | <u>George Carter</u> | <u>2806 23rd</u> |
| | Name | Address |
| 34. | <u>Anna Davery</u> | <u>2770 23rd St</u> |
| | Name | Address |
| 35. | <u>Michael Dalton</u> | <u>2762 23rd St</u> |
| | Name | Address |
| 36. | <u>Donna Cuffman</u> | <u>2754 23rd St</u> |
| | Name | Address |

Zoning Board

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Neighborhood Petition for the Tree House at 2955 23rd St, Wyandotte MI 48192

We, the undersigned, do not object to the current height or design of the tree house.

- | | | |
|-----|----------------------------|------------------------------|
| 36. | <u>[Signature]</u> | <u>2724 23RD</u> |
| | Name | Address |
| 38. | <u>Margaret Lisiecki</u> | <u>2719 - 23rd St</u> |
| | Name | Address |
| 39. | <u>Raymond F. Lisiecki</u> | <u>2719 23RD ST</u> |
| | Name | Address |
| 40. | <u>Gandra L. Spicer</u> | <u>2745 23RD ST.</u> |
| | Name | Address |
| 42. | <u>Ankur Chugh</u> | <u>2204 OAK ST</u> |
| | Name | Address |
| 42. | <u>Henrietta Pasternak</u> | <u>2820 - 22nd St.</u> |
| | Name | Address |
| 44. | <u>Eugenia Zolotareva</u> | <u>2808 - 22nd St</u> |
| | Name | Address |
| 44. | <u>Winnie McMAHON</u> | <u>2803 - 22nd St.</u> |
| | Name | Address |
| 45. | <u>Ming Asmarat</u> | <u>2456 - 22nd</u> |
| | Name | Address |
| 46. | <u>[Signature]</u> | <u>3031 23RD</u> |
| | Name | Address |
| 47. | <u>Connie Carpenter</u> | <u>3133 23RD</u> |
| | Name | Address |
| 48. | <u>Verna M. Krawiec</u> | <u>2960 - 23rd. My file.</u> |
| | Name | Address |
| | Name | Address |
| | Name | Address |
| | Name | Address |
| | Name | Address |
| | Name | Address |
| | Name | Address |

Zoning Board
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OPPOSITION OF THE TREE HOUSE

Ray & Joyce Coch, 2965 23rd street. We live next door, to the south of 2955 23rd street. We are here to voice our opposition of this tree house. This structure is extremely close to our property line. As a result, we now have a lack of privacy, even though we have a 6 foot vinyl privacy fence around our yard.

I retired this past June & wanted to enjoy my backyard, but can't with this tree house overhead. We don't live in the country on acres of land. These lots on the east side of 23rd street are small lots, & we always thought Wyandotte had strict rules regarding what you can & can not build.

In closing, we would like to extend an invitation to the Zoning Board members to come in our backyard & see what we see on a daily basis. Thank you for this opportunity, Ray & Joyce Coch

February 3rd, 2010

with 4 pictures attached

Ray Coch 2-3-10
Joyce Coch 2-3-10

ZONING BOARD

7-2-10

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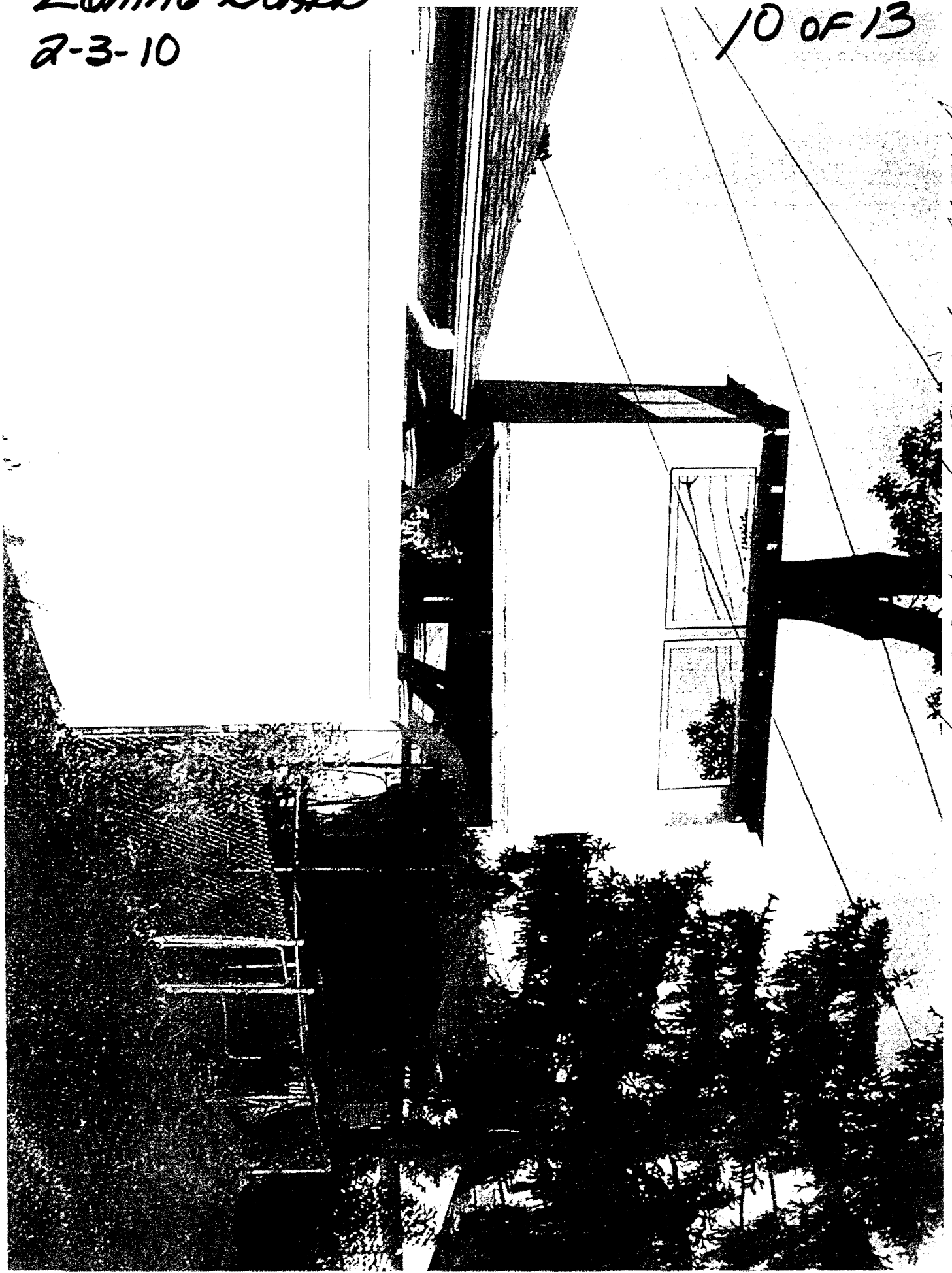


VIEW FROM ALLEY

Zoning Board
2-3-10

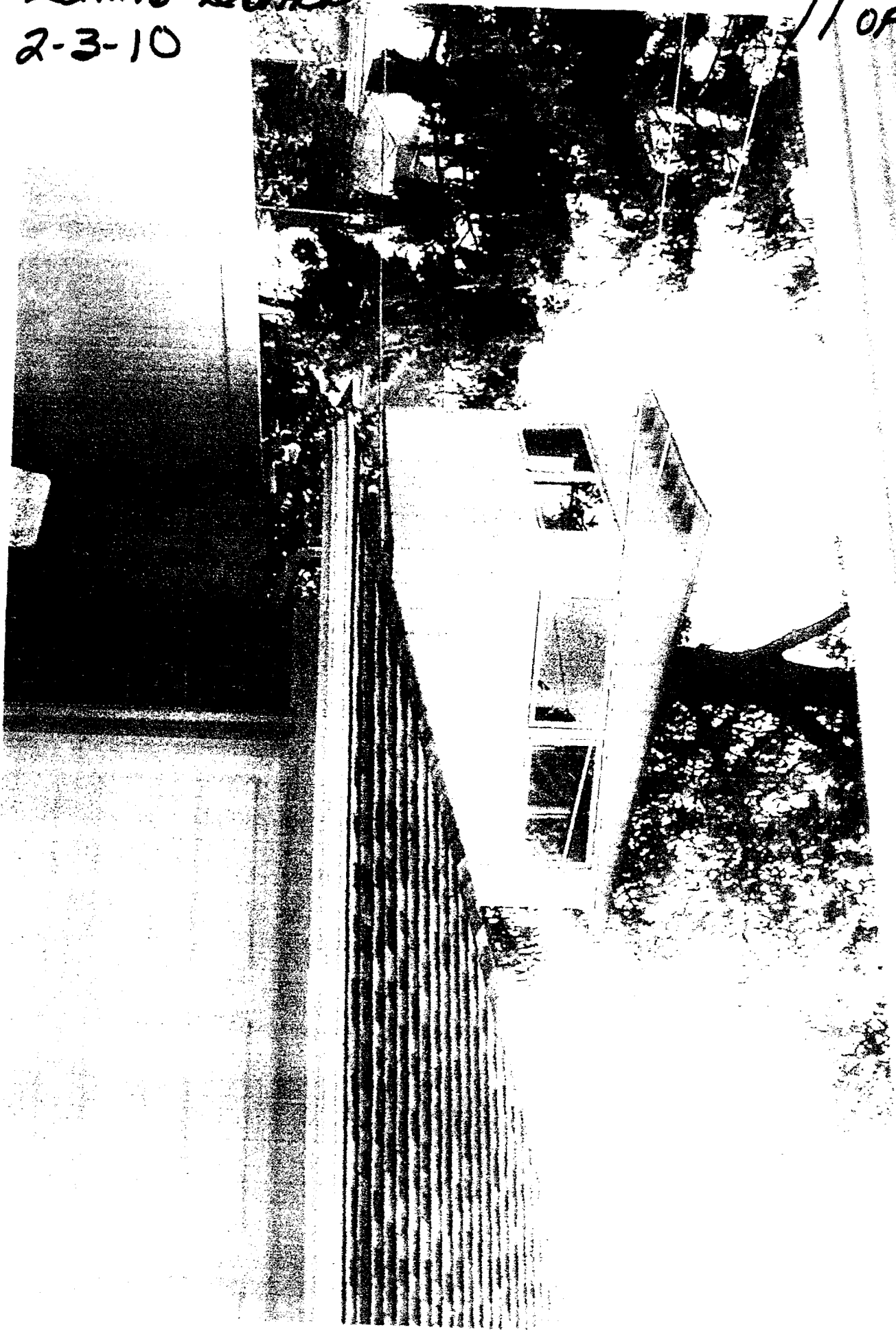
10 OF 13

VIEW FROM ALLEY

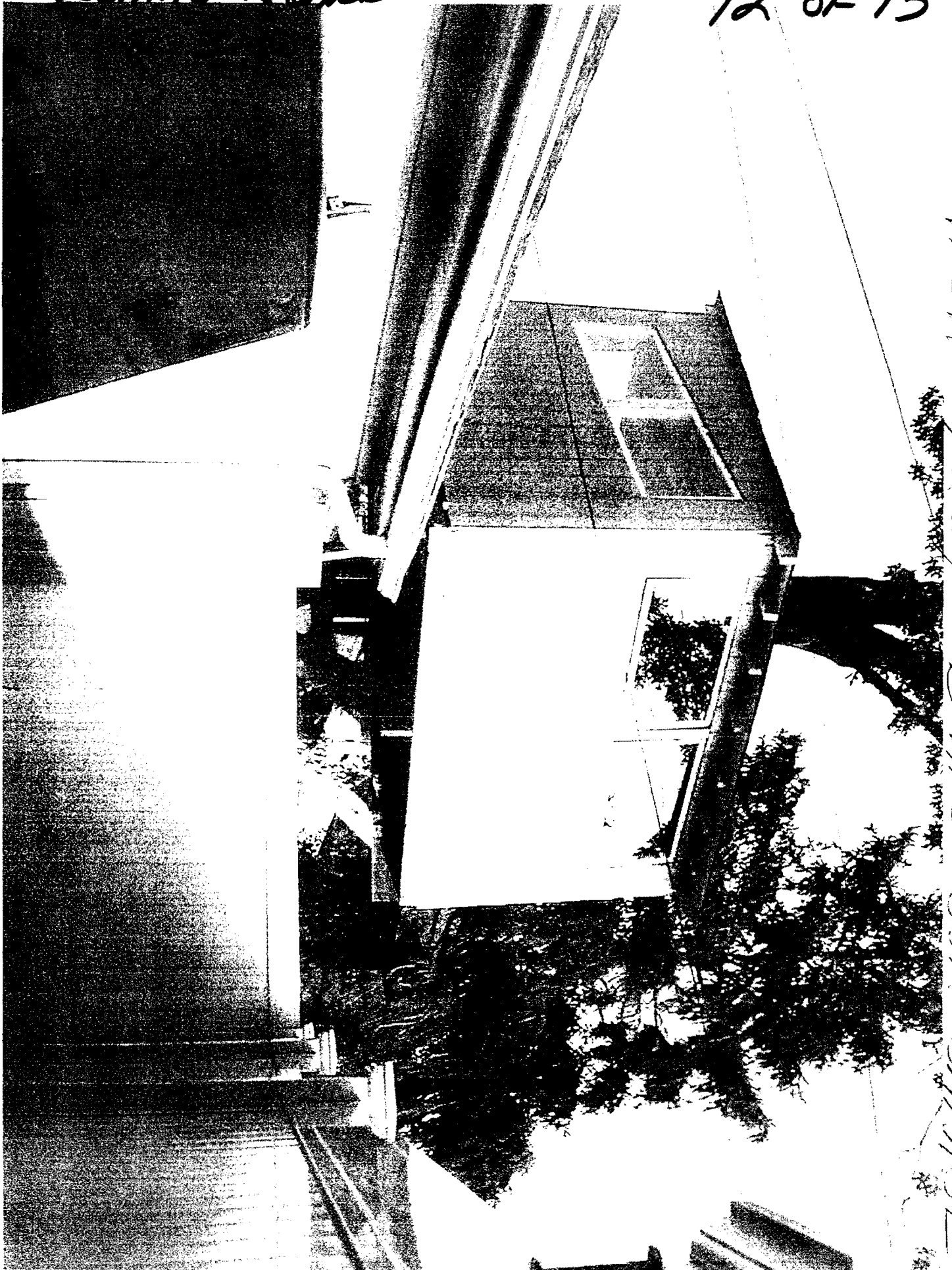


Zoning Board
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VIEW FROM OUR BACK PORCH



VIEW FROM BEHIND OUR GARAGE

ZONING BOARD
2-3-10

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DTE Energy – MichCon Gas Co.
Data Integrity and Technology
Drafting Department, WCB-1836
One Energy Plaza, 18TH. Floor
City of Detroit, MI 48226

#3102

DTE Energy



RECEIVED
1-25-10

January 20, 2010

Peggy Green, Zoning Board Secretary
Zoning Board of Appeals and Adjustment
3131 Biddle Avenue, City of Wyandotte
Michigan 48192

RE: Notice of Public Hearing (Appeal #3102): Variance to obtain a Building Permit for a tree house at #2955 – 23rd Street, in a RA zoning district.

- Not involved. See Remarks!
- Involved: but asking you to hold action on this petition until further notice.
- Involved but have no objection to the property change - - provided that 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 removing, rerouting or abandonment of such all gas mains and/or services

REMARKS:

DTE Energy–MichCon Gas Company has no involvement, nor objection to the Public Hearing Appeal #3102. See enclosed strip print and attached notice of public hearing, for you use and information.

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

Michcon Gas Leak Emergency Phone Number: 1- 800 – 947 – 5000.

Sincerely,

Eddie A. Reyes
Senior Drafter
Data Integrity and Technology

EAR/
Enclosure