

MINUTES AS RECORDED

**MINUTES OF THE MEETING OF July 20, 2011
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
DiSanto
Duran
Flachsmann
Nevin
Olsen
Trupiano

MEMBERS ABSENT: Gillon

ALSO PRESENT: Peggy Green, Secretary

A motion was made by Member Olsen, supported by Member Trupiano to approve the minutes of the June 1, 2011, meeting.

Yes: Alderman, Cusson, DiSanto, Duran, Flachsmann, Nevin, Olsen, Trupiano

No: none

Abstain: none

Absent: Gillon

Motion passed

#3129 - TABLED

Stan Taraszkievicz, 2636 – 10th Street, Wyandotte (owner & appellant)

for a variance to obtain a building permit for a garage at 2636 – 10th Street, Lots 38 and 39, Welch's Ford City Sub., in a RA zoning district, where the proposed conflicts with Sections 2100, 2401.D.2, 2402.E, 2402.D, and 2402.G of the Wyandotte Zoning Ordinance.

SECTION 2100:

Structures cannot exceed 35% of total lot area. Existing structure area plus area of proposed garage exceeds allowable area by 1337 square feet, which is 50.77% of the lot area.

SECTION 2401.D.2:

Should such structure be destroyed by any means to an extent of more than 50% of its replacement cost at the time of destruction, it shall not be reconstructed except in

conformity with the provisions of this ordinance. Existing garage which has already been demolished and existing structure exceeded allowable lot coverage by 40%. The existing garage of 940 square feet conformed to the allowable rear lot coverage of 40%.

SECTION 2402.E:

No detached accessory building shall be located closer than 10 feet to any main building. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall be no closer than 1 foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way. Proposed garage would have a zero (0) rear yard setback.

SECTION 2402.D:

An accessory building shall not exceed 40% of the total rear yard. Proposed detached garage would exceed allowable rear yard coverage by 687 square feet or 65% of the rear yard.

SECTION 2402.G:

No detached accessory building in an RA, RU, RT, RM-1, RM-1A, RM-2, RM-3, O-S or B-1 District shall exceed 15' in height to the ridgeline with an exception that no accessory building may exceed 15' in height provided the slope of the roof has a pitch of 4:12 or greater to a maximum height of 17' to the ridgeline. Accessory buildings in all other districts may be constructed to 20' in height to the ridgeline. The proposed garage will 18' in height.

Tabled until the August 3, 2011, meeting for clarification of zoning district.

A motion was made by Member DiSanto, supported by Member Trupiano, to TABLE this appeal.

Yes: Alderman, Cusson, DiSanto, Duran, Flachsmann, Nevin, Olsen, Trupiano

No: none

Abstain: none

Absent: Gillon

Motion passed

APPEAL #3130 - GRANTED

Father & Son Construction 5032 Rochester Road, Troy (appellant) and Carrie Bielawski, 1262 – 11th Street, Wyandotte (owner)

for a variance to obtain a building permit for an addition to garage at 1262 – 11th Street, S 4' of Lot 298 also Lot 299 & N 3' of Lot 300, G.F. Bennett's Blvd. Park Sub. #1, in a RA zoning district, where the proposed conflicts with Section 2402.F of the Wyandotte Zoning Ordinance.

SECTION 2402.F:

For detached accessory structures, an exterior wall shall not be located less than 3' from interior lot lines except accessory structures less than 200 square feet in area may be built on interior lot lines with no part thereof protruding over said lot line. There shall be no opening in any wall which is located less than 3' from an interior lot line. Contractor is proposing garage addition with a 2'-4" sideyard setback.

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 Cusson, supported by Member DiSanto, to GRANT this appeal.

Yes: Alderman, Cusson, DiSanto, Duran, Flachsmann, Nevin, Olsen, Trupiano

No: none

Abstain: none

Absent: Gillon

Motion passed

APPEAL #3131 – GRANTED

Krieger Klatt Architects, Jeff Klatt, 1412 E 11 Mile Road, Royal Oak (appellant) and Dr. Anne and Nick Abrahamson, 23255 Eureka, Taylor (owner)

for a variance to obtain a building permit for second story addition at 3249 Biddle, Lots 39 to 41, Incl., Eureka Iron and Steel Works Sub., in a CBD zoning district, where the proposed conflicts with Sections 2404.Q and 2404.J of the Wyandotte Zoning Ordinance.

Section 2404.Q:

This section has a requirement that the off street parking area shall have a planting area of at least 5' in width along any abutting dedicated right-of-way. Proposed 90° parking to building wall configuration prohibits this from being installed.

Section 2404.J

Requires that a sidewalk not less than 5' in width shall be provided wherever parking abuts a wall of the main building. Proposed 90° parking lot layout and 19'-10" distance from building wall to city sidewalk prohibits a 5' sidewalk to be installed at the building wall area.

Proposed will be in harmony with the appropriate and orderly development of the CBD and will not be detrimental to the orderly development of any adjacent districts or to adjacent uses.

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

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

No: DiSanto

Abstain: none

Absent: Gillon
Motion passed

APPEAL #3132 – GRANTED

Kimberly Herrick, 2705 Electric, Wyandotte (owner & appellant)

for a variance to obtain a Certificate of Occupancy for front yard fence at 2705 Electric, Wly' 41' of 27 – 30, T.D. Evans Sub., in a RA zoning district, where the proposed conflicts with Section 2406.A.1 of the Wyandotte Zoning Ordinance.

Section 2406.A.1:

Which prohibits the erection of fences in a required front yard.

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 Trupiano, supported by Member Olsen, to GRANT this appeal.

Yes: Alderman, Cusson, DiSanto, Duran, Flachsmann, Nevin, Olsen, Trupiano

No: none

Abstain: none

Absent: Gillon

Motion passed

COMMUNICATIONS:

A motion was made by Member DiSanto to place all communications on file. Motion carried.

OTHER BUSINESS:

Chairperson Duran discussed the communication from the Department of Legal Affairs regarding Appeal #3127, 2101 Fort Street and informed the Board that this appeal has been granted.

There being no further business to discuss, the meeting adjourned at 8:00 p.m. **The next scheduled meeting of the board will be held on August 3, 2011.**


Peggy Green, Secretary

Appeal #3129

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

Stan Taraszkievicz, owner and appellant, present.

Mr. Taraszkievicz explained that he has already demolished his old garage, it was built in the 1900's, and was falling down. He needs this bigger garage for trucks and carpets for his business. Mr. Taraszkievicz added that the garage will have heat (radiant) and water.

Member Nevin expressed concern over the height of the garage. Mr. Taraszkievicz explained that he needed the height for the vans that have ladders and racks. Member Nevin asked if there would be a second floor to the garage. Mr. Taraszkievicz replied no.

Member Trupiano asked how many tenants he had. Mr. Taraszkievicz replied 2. Member Trupiano asked if he would be utilizing the parking next to his building. Mr. Taraszkievicz replied yes.

There was discussion between the Members and Mr. Taraszkievicz regarding the zoning of the property.

Member Alderman asked how many company vehicles did he have total. Mr. Taraszkievicz replied 6. Member Alderman asked how many parking spaces he had available. Mr. Taraszkievicz replied 7.

Chairperson Duran asked if the employees took the vehicles home. Mr. Taraszkievicz replied that they are parked in the Church parking lot. Chairperson Duran asked if the garage would be a pull through one. Mr. Taraszkievicz replied that there would be 2 doors in the rear and 5 in the front.

One communication was received from DTE.

Appeal #3130

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

Darren Dever, Father & Son (appellant) and Carrie Bielawski (owner), present.

Mr. Dever explained that the existing garage was built when the house was built. The homeowner has purchased a new vehicle and it will not fit in the garage. They want to close off the 2' overhang to make more room. Mr. Dever added that they are just asking for only a few inches. Mr. Dever also informed that Board that the neighbor had told Ms. Bielawski that they had no problem with the addition.

Member Alderman and Mr. Dever discussed the size of the garage.

One communication was received from DTE.

Appeal #3131

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

Jeff Klatt (appellant) and Nick Abrahamson (owner), present.

Mr. Klatt presented drawings to the Board and explained about the existing building. Mr. Klatt continued that there will be renovations on the 1st floor and a 2nd story addition. The design has been made to provide 10 parking spaces. Mr. Klatt added that there will be a new renovation for the elevator shaft, and there will be 5 apartments on the 2nd floor. Mr. Klatt also stated that the outside of the building was designed to complement the downtown area. Mr. Klatt continued that they are asking to eliminate the 5' greenbelt and the 5' sidewalk. Mr. Klatt added that he feels a hardship exists.

Member Flachsmann stated that Eureka from Biddle to the River is a city street, and asked Mr. Klatt if he had discussed with the Engineering Department if they could change the road to something that was done to Sycamore Street (Sycamore and Biddle). Mr. Klatt stated that this has not been discussed.

Member Olsen and Mr. Klatt discussed the drawings that Mr. Klatt had presented. Mr. Klatt described the 10 parking spaces and greenbelt area.

Member Cusson commented that the plan looked good.

Member Trupiano expressed concern over the cars backing out onto Eureka, and the sidewalk would become depressed.

Dr. Jeff Taylor, 3301 Biddle, present.

Dr. Taylor stated that he has an issue and is concerned with the parking and concerned that the sidewalk will be used as a driveway apron and this will become a problem. Dr. Taylor continued that this sidewalk is used quite a bit, and if this is allowed, the sidewalk will not be useable. Dr. Taylor stated that he is concerned about people backing out of the parking spaces onto Eureka, a lot of communities have ordinances about backing out of parking spaces. Dr. Taylor added that he is glad someone is developing the building, but he does not want to see them use the sidewalk.

Richard Snider, 3301 Biddle, present.

Mr. Snider stated that he is concerned about the trash and does not like to see dumpsters in the public parking lot like where the apartment building has their dumpster located.

Mr. Abrahamson stated that he has spoken with Claude in the Engineering Department and has filed for a hold harmless agreement. There will be no large vehicles parking in the spaces, the area will be under camera surveillance. Mr. Abrahamson continued that most people who park in the lot go to the apartments and Biddle Hall. Mr. Abrahamson added that a F150 is less than 19' long, and he does not see an issue with parking and also added that the dumpster for the building is already there.

Chairperson Duran asked what the business hours would be. Mr. Abrahamson replied 10-5, Monday thru Friday.

Chairperson DiSanto asked what kind of doctor would be using the building. Mr. Abrahamson replied that his wife is a Physiatrix, practices physical medicine and rehabilitation, and that is why they need the close parking.

Cathy Daly, owner of Biddle Hall.

Ms. Daly stated that she read in the News Herald that if this is not approved, the City will offer to lease them 10 parking spaces. The Board stated that they had no knowledge of that. Ms. Daly continued that if this was done, it would be detrimental to her, she added that she is concerned that the second floor addition will dwarf her, and she is concerned about cars backing out onto Eureka, and stated again that she does not want public parking leased out.

Robert Schimmel, 3301 Biddle.

Mr. Schimmel asked if the parking was for patients or the apartments. Mr. Klatt stated that 10 spaces are required for the apartments. Mr. Schimmel discussed the parking at Biddle House and asked if the parking requirements could be cut down. Chairperson Duran replied no, it was what the Ordinance called for. Mr. Schimmel stated that he is also concerned about cars backing out onto Eureka.

Maria Snyder, 3301 Biddle, present.

Ms. Snyder stated that she is concerned about the trash, when Damon's was there, it was a mess. Ms. Snyder added that something needs to be done about the trash.

Patricia Taylor, 3301 Biddle, present.

Ms. Taylor stated that she is concerned about safety and loosing the sidewalk. Ms. Taylor asked where the entrance to the building will be. Mr. Abrahamson replied on the side.

Mr. Abrahamson and Ms. Taylor discussed the 5' sidewalk.

Ms. Taylor stated that there is no guarantee of the size of vehicles that will park there, people work different shifts, or some are retired. Ms. Taylor added that she is also concerned about the people who are coming there for rehab with their walkers, wheelchairs, etc.

Ms. Taylor commented that the plans show room for more physicians and exam rooms.

Member Cusson asked about the number of employees. Mr. Abrahamson replied that there is public parking, they will have 2 employees that will probably walk to work, because they are within walking distance, the extra exam rooms are for in the event that in the future, they may have another doctor.

Member DiSanto asked if they had discussed getting rid of the parking spots completely. Mr. Abrahamson replied that they need spots close to the door for the rehab patients.

Member DiSanto commented that people who were going to Damon's, parked and walked over, and the parking requirement is greatly reduced from a restaurant. Member DiSanto stated that he does support the project, but a large majority of the patients will be dropped off, and putting parking there will make it a cluster.

Chairperson Duran asked Mr. Abrahamson if they had discussed redoing street parking, putting handicap parking close to the building, and the rest in the parking lot.

Mr. Abrahamson stated that tenants would come home and have no where to park because of the hall. Mr. Abrahamson continued that he has spent a lot of time and money to make the building beautiful.

Member Trupiano expressed concern about Blockbuster's building now being empty, and we do not know what will go in there in the future, it could be something with a lot of traffic.

Chairperson Duran stated that the Planning Commission will be hearing the appeal tomorrow night for the 2nd floor living quarters.

Member Flachsmann commented that the Engineering Department is working within the parameters they have, and he feels that something can be done with the road, maybe make it a one way with a greenbelt, he feels it would create a safer environment, but does not know how long it would take.

Mr. Abrahamson informed the Board that he has to close on the property by the end of the month, they have had environmental issues, and all monies will be forfeited if they do not close by the end of the month.

One communication was received from DTE.

Appeal #3132

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

Kimberly Herrick, owner, present.

Ms. Herrick explained that she wants to close off her yard, and connect the fence to the existing fence. Ms. Herrick continued to explain that during this process, she found out that her existing fence was on city right-of-way, but she went in front of City Council and they approved her. Ms. Herrick explained further that she does not feel it is a front yard, because she only has a 10' rear yard. Ms. Herrick stated that Mr. Carmel uses the field next to her to park on during the festival, and also dogs come onto her property. Ms. Herrick added that there are no sidewalks, and she has no neighbors.

Chairperson Duran asked if from the house she would be coming straight across the drive with a cyclone fence. Ms. Herrick replied yes.

Member Trupiano asked if she was going to leave the existing, and add new cyclone fence. Ms. Herrick replied yes, basically closing of her lot. Member Trupiano commented that he has seen the pictures and understands. Ms. Herrick stated that she wants to contain her property.

Member Flachsmann commented that this is a unique property.

Member Nevin asked if the existing fence was hers. Ms. Herrick replied yes, she wants to replace it and make it match next year.

One communication was received from DTE.

ZONING BOARD

7-20-11

DTE Energy



10 OF 13

July 11, 2011

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

RE: Appeal #3129: for a variance to obtain a Building Permit for a garage at #2636 - 10th Street, Lots 38 and 39, Welch's Ford City Sub., 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 Appeal No. 3129 as mentioned above. See enclosed strip print and attached notice of public hearing, for your 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

ZONING BOARD
7-20-11

DTE Energy



11 OF 13

July 11, 2011

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Sincerely,

Eddie A. Reyes
Senior Drafter
Data Integrity and Technology

EAR/
Enclosure

ZONING BOARD
7-20-11

DTE Energy



12 OF 13

July 11, 2011

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

RE: Appeal #3131: for a variance to obtain a Building Permit for a Second Story addition at 3249 Biddle, Lots 49 to 41, Incl., Eureka Iron and Steel Works sub., in a CBD Zoning District.

- Not involved. See Remarks!
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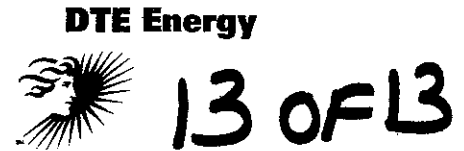
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Zoning Board
7-20-11



July 11, 2011

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

RE: Appeal #3132: for a variance to obtain a Certificate of Occupancy for front yard fence at 2705 Electric, Wylly' 41' of 27-30, T.D. Evans Subs., in a RA Zoning District.

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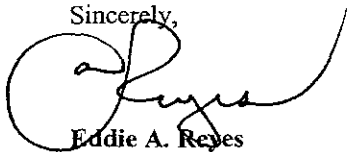
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