

MINUTES AS RECORDED

**MINUTES OF THE MEETING OF July 16, 2014
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
Gillon
Nevin
Olsen
Szymczuk
Trupiano
Wienclaw

MEMBERS ABSENT: DiSanto

ALSO PRESENT: Peggy Green, Secretary

A motion was made by Member Olsen, supported by Member Flachsmann to approve the minutes of the June 4, 2014, as recorded.

Yes: Duran, Flachsmann, Gillon, Nevin, Olsen, Szymczuk, Trupiano, Wienclaw

No: none

Abstain: none

Absent: DiSanto

Motion passed

APPEAL #3183 - DENIED

John Armiak, 1785 Sycamore, Wyandotte (owner & appellant)

for a variance **to obtain a Certificate of Occupancy for a front yard fence at 1785 Sycamore** (E 22.50' of Lot 26 also W 15' of Lot 27, Baisley Park Sub.), in a RA zoning district, where the proposed conflicts with Section 2406.A of the Wyandotte Zoning Ordinance.

SECTION 2406.A:

Which prohibits front yard fences, where the applicant proposes to install a 3' decorative fence from the NE corner of the dwelling to the front property line, then across the front to the NW corner of the lot, then along the west lot line to the rear of the dwelling.

Proposed front yard fence would not be in harmony with the appropriate development of the uses in that district and does not comply with the intent and purpose of the ordinance.

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

Yes: Duran, Flachsmann, Gillon, Nevin, Olsen, Szymczuk, Trupiano, Wienclaw

No: none

Abstain: none

Absent: DiSanto

Motion passed

APPEAL #3184

David Mihalic, 2154 Oak, Wyandotte (owner & appellant)

for a variance **to obtain a building permit for a garage at 2154 Oak** (Lot 295, Assessor's Plat #12), in a RA zoning district, where the proposed conflicts with Sections 2100 and 2402 of the Wyandotte Zoning Ordinance.

SECTION 2100:

A maximum of 35% lot coverage allowed for structures. Proposed 26x26 garage would result in allowable lot coverage being exceeded by 608 square feet.

A minimum of 25' rear yard setback required for a garage attached to the home. Garage will be attached to home with a covered walkway and would have a 1' rear yard setback.

SECTION 2402:

Accessory buildings and uses; garages with basements are not listed as an allowable use.

Lot coverage – Section 2100 – GRANTED

A maximum of 35% lot coverage allowed for structures. Proposed 26x26 garage would result in allowable lot coverage being exceeded by 608 square feet

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

A motion was made by Member Gillon, supported by Member Olsen to grant this section of the building regarding lot coverage.

Yes: Duran, Flachsmann, Gillon, Nevin, Olsen, Szymczuk, Trupiano, Wienclaw

No: none

Abstain: none

Absent: DiSanto

Motion passed

GRANTED (2nd motion)

Rear Yard Setback – Section 2100

A minimum of 25' rear yard setback required for a garage attached to the home. Garage will be attached to home with a covered walkway and would have a 1' rear yard setback.

Proposed setback will not post a substantial detriment to the adjacent land or buildings, or impair the value thereof

A motion was made by Member Gillon, supported by Member Trupiano to grant this section of the appeal regarding the setback.

Yes: Duran, Gillon, Szymczuk, Trupiano, Wienclaw

No: Flachsmann, Nevin, Olsen

Abstain: none

Absent: DiSanto

Motion passed

Rear Yard Setback – Section 2100 – FAILED TO PASS (1ST motion)

A minimum of 25' rear yard setback required for a garage attached to the home. Garage will be attached to home with a covered walkway and would have a 1' rear yard setback.

Motion failed to pass due to lack of votes.

A motion was made by Member Flachsmann, supported by Member Olsen to deny this section of the appeal regarding the setback.

Yes: Duran, Flachsmann, Olsen

No: Gillon, Nevin, Szymczuk, Trupiano, Wienclaw

Abstain: none

Absent: DiSanto

Motion failed to pass

Garage with basement - Section 2402 – DENIED

Accessory buildings and uses; garages with basements are not listed as an allowable use

Proposed garage with a basement would not be in harmony with the development of the district in which it is located, and would substantially impair the intent and purpose of the ordinance as written.

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

Yes: Duran, Flachsmann, Gillon, Nevin, Olsen, Szymczuk, Trupiano

No: Wienclaw

Abstain: none

Absent: DiSanto

Motion passed

COMMUNICATIONS:

Motion was made by Member Olsen, supported by Member Flachsman to place all communications on file. Motion carried.

OTHER BUSINESS:

There being no further business to discuss, the meeting adjourned at 7:30 p.m. **The next scheduled meeting of the Board will be held on August 6, 2014.**



Peggy Green, Secretary

Appeal #3183

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

John Armiak (owner & appellant) did not appear at the meeting.

Debbie Wistinghausen, present.

Ms. Wistinghausen explained that she is the owner of 1793 Sycamore and it is a rental. The driveway is small and her tenant would not be able to open his car door if a fence was installed.

Ron Plocharczyk, 1793 Sycamore, present.

Mr. Plocharczyk stated that he would not be able to get in and out of his car if a fence was installed.

Lisa Patten, 1779 Sycamore, present.

Ms. Patten stated that she feels the fence is a bad thing. Mr. Armiak has already destroyed her grass (he has a hard time maneuvering his car), and there is a large rut. If a fence is allowed, he might run into her house, the fence would be very close to the house, and she is concerned for safety.

Gail Molnar, 1771 Sycamore, present.

Ms. Molnar stated that she is worried about seeing when she pulls in and out of her driveway.

One communication was received in opposition to this appeal.
One communication was received from DTE.

Appeal #3184

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

David Mihalic, 2154 Oak, owner, present.

Mr. Mihalic explained that the covered portion is just a walkway. He would like to build a garage with a basement. The house now has a finished basement, and he would like a basement in the garage so that he could use it as a work area. Mr. Mihalic continued that he thought that the garage could be 1' off the alley, and added that he could leave the walkway off if he had too. Mr. Mihalic continued that he thought he could have a basement, one of the guys in Engineering told him that they had never heard of a garage having a basement.

Chairperson Duran informed Mr. Mihalic that the Board would vote on the appeal in sections, lot coverage, setback and basement.

Mr. Mihalic added that he can leave the walk way uncovered.

Member Flachsmann stated that the Board has to vote on what is presented to them.

Member Nevin asked if the house was a single family dwelling. Mr. Mihalic replied yes.

Chairperson Duran stated again that the Board would vote on lot coverage, covered walkway, and basement, the only other option would be to build the garage according to the ordinance.

Mr. Mihalic stated that he will only be adding 3' feet more than the garage that is there now, and he is unable to use the property behind the garage except maybe to put garbage cans.

Member Flachsmann asked Mr. Mihalic if he lived there. Mr. Mihalic replied yes. Member Flachsmann asked Mr. Mihalic if he owned any other property in the city. Mr. Mihalic replied no. Member Flachsmann asked if he had looked into the cost of a building a garage with a basement, and the floor that he would have to have in it. Mr. Mihalic replied yes, \$55,000 to \$65,000. Member Flachsmann commented that he has never seen a basement in a garage.

There was discussion regarding the size of the garage. Member Flachsmann commented that the Engineering Department has no choice, if you are over in the allowed square footage, they have to call it.

Member Flachsmann asked Mr. Mihalic if he has spoken with Claude Marcoux, Building Inspector, in the Engineering Department. Mr. Mihalic replied no, no one ever told him too.

Member Flachsmann commented that he has no problem with a 26x26 garage, he does not see what else Mr. Mihalic could use the property for. Member Flachsmann added that once a basement is installed, it become a main building instead of an accessory building.

Member Gillon commented that he remembered the old fire station on Oak Street, had a basement, and the floor started giving away, and they had to use jack stands to hold it up. Member Gillon commented that he would be doubling the cost of building the garage if it had a basement.

There was discussion regarding the walkway.

Mr. Mihalic stated that he just wants a garage.

Member Gillon asked the size of the existing garage. Mr. Mihalic replied 21x20.

Member Trupiano commented that if he wanted a work space, he could put a second floor, but that would also be another appeal. Member Flachsmann commented that is why there is the ordinance to eliminate second floors.

Mr. Mihalic stated that there would be engineered drawings for the garage with a study done on the floor.

One communication was received from DTE.

ZONING
BOARD
7-16-14

3183

7 OF 9
7/17/14

To Whom it may concern:

As a neighborhood owner, we are
opposed to a fence at 1785 Sycamore St.
As there is an ordinance which states,
no fences in a front yard of a dwelling.
We think it will detract from the
neighborhood.

✓ RECEIVED
7-8-14

Larry & Vicki Zulewski
1806 Sycamore St
Wyandotte, Mi. 48192

Larry Zulewski
Vicki Zulewski

✓ EMAILED TO
MEMBERS
7-9-14
11:39

ZONING BOARD
7-16-14

8 OF 9
DTE Energy - Gas
Data Integrity and Technology
1 Energy Plaza
WCB 1836
Detroit, MI, 48226

DTE Energy



RECEIVED
7-9-14

July 7, 2014

City of Wyandotte
Zoning Board of Appeals
3200 Biddle Ave., Suite 200
Wyandotte, MI 48192

RE: APPEAL #3183

RE: Notice of Public Hearing – To obtain a Certificate of Occupancy for front yard fence at 1785 Sycamore

(X) Not Involved. See Remarks

- () 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 - Gas Company has no involvement, nor objection to the proposed Certificate of Occupancy Appeal #3183

Please abide by Public Act 174. Three (3) working days before you dig call MISS DIG at: 1-800-482-7171 or 811

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

Sincerely,

Michael Harrison
Mike Harrison
Drafter

ZONING BOARD
7-16-14

9 of 9
DTE Energy – Gas
Data Integrity and Technology
1 Energy Plaza
WCB 1836
Detroit, MI., 48226

DTE Energy



July 7, 2014

City of Wyandotte
Zoning Board of Appeals
3200 Biddle Ave., Suite 200
Wyandotte, MI 48192

✓ RECEIVED
7-9-14

APPEAL # 3184

RE: Notice of Public Hearing – To obtain building permit for a garage at 2154 Oak

(X) Not Involved. See Remarks

- () 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- Gas Company has no involvement, nor objection to obtain a building permit for a garage at 2154 Oak Street. Appeal # 3184

Please abide by Public Act 174. Three (3) working days before you dig call MISS DIG at: 1-800-482-7171 or 811

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

Sincerely,

Mike Harrison

Mike Harrison
Drafter