

MINUTES AS RECORDED

**MINUTES OF THE MEETING OF December 3, 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
Olsen
Szymczuk
Trupiano
Wienclaw

MEMBERS ABSENT: DiSanto, Nevin

ALSO PRESENT: Peggy Green, Secretary

A motion was made by Member Flachsmann, supported by Member Trupiano to approve the minutes of the November 5, 2014, meeting as recorded.

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

No: none

Abstain: none

Absent: DiSanto, Nevin

Motion passed

APPEAL #3194 - GRANTED

Cassino Construction, 13150 Dix, Southgate (appellant) and Janis DeGroat, 4422 – 23rd Street, Wyandotte (owner)

for a variance to obtain a building permit for a garage at 4422 – 23rd Street (S 10' Lot 3, also Lot 4, Resub of Lot 44 of Detroit Riverland Co's Sub.) in a RA zoning district, where the proposed conflicts with Section 2100 of the Wyandotte Zoning Ordinance.

SECTION 2100:

A maximum of 35% of lot coverage allowed for a structure in a RA zoning district. Proposed 484 square foot garage would result in the allowable lot covering being exceeded by 132 square feet.

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

A motion was made by Member Flachsmann, supported by Member Wienclaw to grant this appeal.

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

No: none

Abstain: none

Absent: DiSanto, Nevin

Motion passed

APPEAL #3195 - GRANTED

William Stochine, 1422 – 19th Street, Wyandotte (owner & appellant)

for a variance to obtain a Certificate of Occupancy for front yard parking at 1240 Walnut (Lots 11 and 12, also E 15' of Lot 13, Lynch & Steffes Sub) in a RA zoning district, where the proposed conflicts with Section 2403.C of the Wyandotte Zoning Ordinance.

SECTION 2403.C:

Which states that off street parking may be located in the side or rear yards, but shall not be permitted in a required front yard, where the existing driveway is located in the required front yard and does not extend into the side or rear yard.

William Stochine, 1422 – 19th Street, Wyandotte (owner & appellant)

for a variance to obtain a Certificate of Occupancy for front yard parking at 1240 Walnut (Lots 11 and 12, also E 15' of Lot 13, Lynch & Steffes Sub) in a RA zoning district, where the proposed conflicts with Section 2403.C of the Wyandotte Zoning Ordinance.

SECTION 2403.C:

Which states that off street parking may be located in the side or rear yards, but shall not be permitted in a required front yard, where the existing driveway is located in the required front yard and does not extend into the side or rear yard.

Front yard parking will not be detrimental to the future development of adjacent districts or uses, and will not impair the intent of the ordinance.

A motion was made by Member Flachsmann, supported by Member Wienclaw to grant this appeal.

Yes: Duran, Flachsmann, Gillon, Szymczuk, Wienclaw

No: Olsen, Trupiano

Abstain: none

Absent: DiSanto, Nevin

Motion passed

APPEAL #3196 - GRANTED

Thomas Roberts, 458 Orange, Wyandotte (appellant) and Roebuck Residential, LLC, 100 Maple, Wyandotte (owner)

for a variance to obtain a building permit to utilize the third floor for nine (9) residential units at 3061 – 3063 Biddle (S 10' of Lot 9, also Lots 10 to 14, Incl., Eureka Iron Steel Wks. Resub. of Block 32) in a CBD zoning district, where the proposed conflicts with Section 2403.R.1.b of the Wyandotte Zoning Ordinance.

SECTION 2403.R.1.b:

Multiple Family – Two (2) parking spots for each dwelling unit of two (2) rooms or less; two and one half (2 ½) for each dwelling unit of three (3) or more bedrooms, plus one (1) additional parking space for every eight (8) units for guest parking. The Owner/Applicant is proposing six (6) one (1) bedroom apartments, and three (3) two (2) bedroom apartments for a total of nine (9) apartments of two (2) bedroom or less which would require 20 parking spaces. The site has a total of 10 parking spaces provided.

The provision of required parking spaces is not feasible in the existing business district, and will not impair the intent of the ordinance.

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

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

No: none

Abstain: none

Absent: DiSanto, Nevin

Motion passed

COMMUNICATIONS:

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

OTHER BUSINESS:

Verizon Wireless request for Interpretation of Zoning Ordinance to permit antennae for wireless communications on rooftops of buildings in RM-3 Multiple Family Residential Districts. Sections 900 and Sections 2202.II.i of Zoning Ordinance.

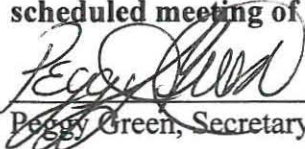
The following Resolution was made by Member Flachsmann, supported by Member Gillon:

Resolved by the Zoning Board of Appeals and Adjustment of the City of Wyandotte that that the City's Zoning Ordinance Section 2202.II.i Special Land Use, Towers and Antennae for Wireless Communications facilities is preempted by Michigan State Law 125.3514 wherein wireless communications on a rooftop are a permitted use in RM-3 Zoning District provided submitted plans comply with all building permit requirements and the requirements of MCL 125.3514.

Yes: Duran, Flachsmann, Gillon, Olsen, Szymczuk, Trupiano, Wienclaw
No: none
Abstain: none
Absent: DiSanto, Nevin
Motion passed

Chairperson Duran informed the Board that they would be invited to a work shop being held by the Planning Commission at 5:30 on the third Thursday in January, and a notice will be sent out.

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 January 7, 2015.


Peggy Green, Secretary

Appeal #3194

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

Larry D'Aguanno, Cassino Construction, present.

Mr. D'Aguanno explained that the existing garage is 18'x22', and is beyond repair. They will be demolishing the existing garage and building a new one with a driveway. The garage will go from 18x22 to 22x22.

Member Trupiano asked if the owner has lived in the home, or just purchased it. Mr. D'Aguanno replied that the owner has lived there for a long time and wants to fix up her property.

One communication was received from DTE.

Appeal #3195

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

William Strochine, owner, present.

Mr. Strochine explained that he and his brother own the home, they inherited it. They didn't know about the driveway until the inspection, and there is only 7' between the house and the property line. The house has been in the family since the 1920's, and he

would like to keep the driveway for parking. There is a garage, but it is on a dead end alley, and almost impossible to get a car in and out.

Member Flachsmann commented that he turned his truck around in the alley, and it was a tight fit.

Member Flachsmann discussed the existing nonconforming driveway.

Member Trupiano asked about the lot to the west. Mr. Strochine stated that the house sits on a double lot. Member Trupiano asked if he considered putting a driveway in on that side. Mr. Strochine replied that he would have to remove trees and it would be expensive.

Ms. Chiparo, 1295 Walnut, present.

Ms. Chiparo stated that she was opposed to the parking. Mr. Strochine has other options, and added that the property is not maintained.

Member Flachsmann commented that the City requires 1 parking spot, and the garage completes that requirement, and asked if she would like to see the driveway removed. Ms. Chiparo replied yes. Member Flachsmann commented that more cars would then be parked on the street. Ms. Chiparo commented that she would like to see the driveway gone. Member Flachsmann stated that a driveway would have to extend 20' past the front of the house, and there is not enough room. Ms. Chiparo stated that Mr. Strochine has options on the other side.

Member Trupiano commented that Mr. Strochine does have other options, he could put it on the other side.

Ken Zack, 1252 Walnut.

Mr. Zack stated that he thought that the parking was going to occur on the vacant lot and he was opposed to construction on that side.

Ann Sloat, 1251 Walnut.

Ms. Sloat stated that she was unclear, was Mr. Strochine replacing the existing driveway. Chairperson Duran explained that he just wants to keep the existing driveway. Ms. Sloat stated that she was worried that it was going to look like a parking lot.

Member Flachsmann commented that a new buyer could put in a driveway on that side of the house.

Ms. Sloat stated that she is ok with the existing, she had an issue with anything else being done.

Mr. Zack read a letter which is made part of the minutes from the neighbors at 1265, 1223, 1241, 1283, 1251 and 1252 Walnut who were in opposition to the appeal.

There was discussion regarding the letter from the neighbors, and felt that maybe the neighbors were unclear as to what was being asked for.

Member Wienclaw stated that front yard parking is misunderstood.

Member Trupiano stated that the neighbors may have felt that this was for another driveway.

Ms. Chiparo stated that she understands that Mr. Stochine is asking to keep the existing driveway, if this is approved, other neighbors will want a slab too, she knows that it is existing, but it is front yard parking.

One communication was received in opposition.

One communication with 5 signatures was received in opposition.

One communication was received from DTE.

Appeal #3196

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

Thomas Roberts (appellant) and Wayne Dutton, Roebuck Residential, LLC (owner), present.

Mr. Roberts explained that this building has been present in Wyandotte for 74 years and has faced challenges. The first floor will be retail or restaurant, the second floor will be business, and the third floor will have 9 residences. The fourth floor, there is no tenant for this space. They are deficient 10 parking spaces, and there are public lots available for parking.

Chairperson Duran stated that the Planning Commission has approved the Certificate of Occupancy for the nine units, and the owner had to come to the Zoning Board for the parking variance.

Member Szymczuk asked if the building would just have the 10 parking spots and utilize City parking. Mr. Roberts replied yes.

Member Trupiano asked about the 4th floor. Mr. Roberts stated that it is an assembly use, there is no tenant, and it is undefined.

Member Gillon asked about the tenant on the second floor. Mr. Roberts replied it will be retail or restaurant.

Member Gillon asked if the 10 parking spots will be signed. Mr. Dutton replied that they will be designated for the residential parking.

Tom Kaul, 3115 VanAlstyne, present.

Mr. Kaul stated that he lives in front of the parking lot that will be affected. 10 parking spots for 9 units is inadequate. The tenant will be using the public parking lot which as 28 spots, and the neighborhood and the businesses use that lot. Mr. Kaul continued that the lot is supposed to be for the businesses, not residential use, and he would like to see the number of units downsized.

One communication was received from DTE.

NEW BUSINESS

Chairperson Duran read the request and asked that it be explained

Jonathan Crane, Verizon Wireless, 1126 North Main Street, Rochester, present.

Mr. Crane explained that the City Ordinance regarding antennas is in conflict with the state ordinance. Right now the City Ordinance only permits antennas in industrial zoning and city owned property. There are already 2 large antennae structures on City property now. They wanted to put another antenna downtown and addressed roof top, but that did not go over. It was addressed, but the Engineering Department said no, an antennae could only be on industrial zoned or city property. The city ordinance was adopted in 2007. There State Enabling Act was adopted May 24, 2012, MCL 125.3514 allows wireless communications on a rooftop. Mr. Crane added that the hospital does have an antennae on the roof, and he is asking for an interpretation. Mr. Crane added that he will obtain all proper permits.

Notice regarding this interpretation was placed in the News Herald.



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DTE Energy Gas Co.
Data Integrity and Technology
One Energy Plaza, WCB-1836
City of Detroit, MI 48226

November 26, 2014

Peggy Green, Zoning Board Secretary
Zoning Board of Appeals and Adjustment
3200 Biddle Avenue, Suite 200
Wyandotte, Michigan 48192

RE: Appeal #3194: For a Variance to obtain a building permit for a garage at 4422 23rd Street (S 10th Lot 3, also Lot 4, Resub of Lot 44 of Detroit Riverland Co's Sub.) in a RA zoning district, where the proposed conflicts with Section 2100 of the Wyandotte Zoning Ordinance.

- ☒ 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 Gas Company has no involvement, nor objection to the Appeal #3194 as mentioned above. See enclosed strip print and attached notice of public hearing, for your use and information.

Please abide by Public Act 174, three (3) working days before you dig, dial toll free MISS DIG at: 1 - 800 - 482 - 7171.

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

Sincerely,

/s/ Russell E Thornton

Drafter
Data Integrity and Technology

RET/
Enclosure



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DTE Energy Gas Co.
Data Integrity and Technology
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City of Detroit, MI 48226

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OFFICIALS

William R. Griggs
CITY CLERK

Todd M. Browning
CITY TREASURER

Thomas R. Woodruff
CITY ASSESSOR



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MAYOR
Joseph R. Peterson

COUNCIL
Sheri Sutherby Fricke
Daniel E. Galeski
Ted Miciura, Jr.
Leonard T. Sabuda
Donald C. Schultz
Lawrence S. Stec

ZONING BOARD OF APPEALS AND ADJUSTMENT

APPEAL #3195

To Neighborhood Owner
or Party-in-Interest

November 17, 2014

NOTICE IS HEREBY GIVEN that William Stochine, 1422 – 19th Street, Wyandotte (owner & appellant) has appealed to the Zoning Board of Appeals and Adjustment of the City of Wyandotte for a variance to obtain a Certificate of Occupancy for front yard parking at 1240 Walnut (Lots 11 and 12, also E 15' of Lot 13, Lynch & Steffes Sub) in a RA zoning district, where the proposed conflicts with Section 2403.C of the Wyandotte Zoning Ordinance.

SECTION 2403.C:

Which states that off street parking may be located in the side or rear yards, but shall not be permitted in a required front yard, where the existing driveway is located in the required front yard and does not extend into the side or rear yard.

On Wednesday, December 3, 2014, at 6:30 p.m., a public hearing will be held on this appeal in the Council Chambers of the City Hall, 3200 Biddle Avenue, Wyandotte, Michigan.

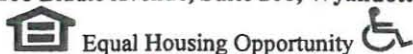
This notice is for the purpose of giving you and every other neighbor-in-interest this opportunity if you care to appear or to have your opinion expressed at this hearing in support or in opposition to this appeal. You may come in person, or you may authorize anyone else in writing to represent you; or you may express your views and reason in favor or in opposition in writing, but the letter must be received by the Board before the date of the hearing.

The City of Wyandotte will provide auxiliary aids and service to individuals with disabilities at the meeting upon one week notice to the City of Wyandotte. Individuals with disabilities requiring auxiliary aids or services should contact the City of Wyandotte by writing or calling the following: Department of Engineering and Building, 3200 Biddle Avenue, Suite 200, Wyandotte, Michigan 48192, Phone (734)324-4551.

Peggy Green
Zoning Board Secretary

11-24-14 I DO NOT WANT PARKING
ALLOWED ON THE LAWNS.
WE ALREADY HAVE RENTERS NOT CARING FOR
THEIR HOMES.

3200 Biddle Avenue, Suite 200, Wyandotte, Michigan 48192 734-324-4551 • Fax 734-324-4535 email: engineering1@wyan.org



An Equal Opportunity Employer

AMELIA TARWACKI
1304 WALNUT.

December 3, 2014

Dear Zoning Board,

This letter is in reference to appeal #3195, for address 1240 Walnut. We the below signed are opposed to the front yard parking application. This single family home has a driveway and garage currently. We see no reason for the city to approve, what we feel, a parking lot in our neighborhood. Other parking options are available.

Thank you,

- 1) Denise Kerr
1265 Walnut
 - 2) Phil Taylor
1241 Walnut
 - 3) Geneva Pike
1283 Walnut
 - 4) Anne Flynn Sloat
1251 Walnut
 - 5) Nancy Zack
1252 Walnut
- 1223 Walnut
Kelle Urban
Richard Taylor
- Anne Flynn Sloat
- Nancy Zack



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DTE Energy Gas Co.
Data Integrity and Technology
One Energy Plaza, WCB-1836
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