

**AGENDA
ZONING BOARD OF APPEALS AND ADJUSTMENT
MEETING DATE **Wednesday, June 1, 2011****

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The meeting of the Zoning Board of Appeals and Adjustment will be held at 6:30 p.m., local standard time in the second floor Council Chambers of the Wyandotte City Hall, 3131 Biddle Avenue, Wyandotte, Michigan.

#3127

Spectacular Signs, 6056 Norborne, Dearborn Heights, Michigan (appellant) and Elie Khattar, 18650 Wick Road, Allen Park, (owner)

for a variance to obtain a sign permit for changeable message sign to be located on an existing pole sign at 2101 Fort Street, Lots 103 to 109, incl., and S 5.50' of Lot 110, Scherer's Westgate Manor Sub., in a B-2 zoning district, where the proposed conflicts with Section 2408.F.2.(k)(2) of the Wyandotte Zoning Ordinance.

SECTION 2408.F.2.(k)(2):

Changeable message signs shall only be permitted as ground or wall signs.

The reason for this hearing is due to procedural clarification from the May 4, 2011, meeting. It has been determined that this should have been considered a "use variance" in accordance with Section 2704.C.2.(d)(1), and would require 2/3 vote of the Board, which would be six (6) votes for the appeal to be granted

Section 2408.F.2.(b)(3): The area of such sign shall not exceed 120 square feet for each sign face. Proposed sign face will be 160 square feet and the LED changeable message sign will be 40 square feet, resulting in a total of 200 square feet of sign face, whereas, only 120 square feet is allowed. This section of the appeal was granted at the May 4, 2011, meeting.

#3128

Judith Kesler, 1164 Lincoln, Lincoln Park, Michigan (owner & appellant)

for a variance to obtain a Certificate of Occupancy to provide no off street parking at 1263 Lindbergh, Lot 110, Welch's Ford 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 per dwelling unit, two (2) off street parking spaces in this case, where it is proposed that no off street parking be provided.

MINUTES AS RECORDED

**MINUTES OF THE MEETING OF September 7, 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
Gillon
Nevin
Olsen
Trupiano

MEMBERS ABSENT: none

ALSO PRESENT: Peggy Green, Secretary

A motion was made by Member Trupiano, supported by Member Olsen to approve the minutes of the August 3, 2011, meeting with correction. Correction: Appeal #3129, Section 2402.E. Member DiSanto made the motion to grant this appeal, not Member Olsen,

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

#3134 – GRANTED

Gabor Tuba, 3334 – 5th Street, Wyandotte (owner & appellant)

for a variance to obtain a building permit for a garage at 3334 - 5th Street, N 42.33' of Lot 8 and N 42.33' of E 17' of Lot 9, Block 151, in a RA zoning district, where the proposed conflicts with Sections 2100, 2402.E and 2402.F of the Wyandotte Zoning Ordinance.

Section 2100:

Allows a maximum lot coverage of 35% or 993 sq. ft. in this case, where the proposed garage and existing dwelling will cover 1,306 sq. ft. which exceeds the maximum allowed lot coverage by 313 sq. ft.

Section 2402.E:

No detached accessory building shall be located closer than 10' 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' to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way, where the proposed will be 3' from house.

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 inter 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, where the proposed is 1'.

Variance for maximum allowable lot coverage and interior lot line encroachment will not hinder or discourage the appropriate development and use of adjacent land or buildings, or impair the intent or purpose of the ordinance

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

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

No: DiSanto, Olsen, Trupiano

Abstain: none

Absent: none

Motion passed

#3135 – GRANTED

Matthew Peterson, 1276 Poplar, Wyandotte (owner & appellant)

for a variance to obtain a building permit for an addition at 1276 Poplar, Lots 13 & 14, Lynch & Steffes Sub. Pt. of Lot 7, in a RA zoning district, where the proposed conflicts with Section 2402.E of the Wyandotte Zoning Ordinance.

Section 2402.E:

No detached accessory building shall be located closer than 10' to any main building. Proposed addition will result in detached garage being 8' from the new structure.

Variance for minimum distance between primary dwelling and accessory building (garage) will not hinder or discourage the appropriate development and use of adjacent land or buildings, or impair the intent or purpose of the ordinance.

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

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

No: none

Abstain: none
Absent: none
Motion passed

#3136 - DENIED

John & Beverly Frostic, 1020 Goddard, Wyandotte (owner & appellant)

for a variance **to obtain a mechanical permit for mechanical equipment to be located in a sideyard at 1020 Goddard, Lots 1 and 2 also W 19' of Lot 3, Electric Blvd. Sub., in a RA zoning district, where the proposed conflicts with Section 2402.L of the Wyandotte Zoning Ordinance.**

SECTION 2402.L:

Which prohibits the installation of mechanical equipment in any front or sideyard, where the condensing unit is proposed to be located in the sideyard.

Variance for a sideyard air conditioning unit does not offer a satisfactory or harmonious relationship between the existing dwellings and the prospective development or use of adjacent land, buildings and the surrounding areas.

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

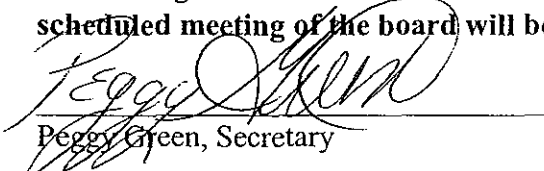
Yes: Cusson, DiSanto, Duran, Gillon,
No: Alderman, Flachsmann, Nevin, Olsen, Trupiano
Abstain: none
Absent: none
Motion failed to pass.

COMMUNICATIONS:

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

OTHER BUSINESS:

There being no further business to discuss, the meeting adjourned at 7:15 p.m. **The next scheduled meeting of the board will be held on October 5, 2011.**


Peggy Green, Secretary

Appeal #3134

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

Gabor Tuba, owner, present.

Mr. Tabor explained that he is looking to build a 1-1/2 car garage, it has to be close to the house, and due to his lot, he will fire rate the garage.

Chairperson Duran asked if the garage will be built by the fence. Mr. Tabor replied yes.

Chairperson Duran asked if any of the neighbors had a problem, and added that the neighbors had been notified of the appeal. Mr. Tuba replied that he was on good terms with all of his neighbors.

Member Olsen asked if there would be a window. Mr. Tuba replied there would be a window and a side garage door.

Member Gillon asked how far he would be from the rear lot line. Mr. Tuba replied 1'.

There was discussion regarding the dimensions involving the appeal.

Member Gillon asked how far he would be off the south lot line. Mr. Tuba replied 1'.

Member Trupiano asked Mr. Tuba if he lived at the residence. Mr. Tuba replied yes. Member Trupiano asked about the fire rating. Mr. Tuba stated that he would fire rate the whole garage.

One communication from DTE was received regarding this appeal.

Appeal #3135

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

Matthew Peterson, owner, present.

Mr. Peterson submitted drawings to the Board (which are on file).

Chairperson Duran asked Mr. Peterson if he lived in the home. Mr. Peterson replied yes.

Member DiSanto asked Mr. Peterson if he would be using the existing footings from the patio. Mr. Peterson replied no.

Member Flachsmann asked Mr. Peterson if he did the drawing. Mr. Peterson replied yes, with a friend.

Member Flachsmann stated that the variance is from the 10' requirements and the purpose of the 10' is for fire.

Member DiSanto asked if there would be a 1' overhang. Mr. Peterson replied yes, with fire barrier.

One communication from DTE was received regarding this appeal

Appeal #3136

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

John Frostic, owner, present.

Mr. Frostic explained that he did not put the air conditioner in the rear because he is putting a deck on the rear, he put the air conditioner in this sideyard, it is only 72 decibels, it is not loud. The side of the house is shaded, and nothing grows there. Mr. Frostic added that he is putting a weed barrier down.

Member Nevin asked when the air conditioner was installed. Mr. Frostic replied May. Member Nevin asked if he was aware of the ordinance. Mr. Frostic replied that he misread the ordinance, he thought that since a mechanical license was not required to install the unit, you did not need a permit. Mr. Frostic stated that his friend, a licensed contractor, helped him install the unit. Mr. Frostic added that the unit has been placed in the most economical location. Member Nevin asked if he would be willing to install a sound barrier. Mr. Frostic replied yes.

Member Flachsmann commented that you should never assume you do not need a permit, and a licensed contractor should have known this. Member Flachsmann commented that he did go and visit the property, and the unit did not seem noisy.

Member Olsen asked about the deck. Mr. Frostic stated that he was going to build a deck with a patio door, and he did get the permit for that today. Member Olsen asked if the deck was going all the way across the rear. Mr. Frostic replied no. Member Olsen asked if the unit could be moved to the northeast corner. Mr. Frostic replied yes, but there would be a longer line set.

Member Trupiano asked how this issue came up. Mr. Frostic replied that there had been an anonymous complaint, and he received a letter.

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



DTE Energy

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

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Zoning Board
9-7-11

August 26, 2011

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

RE: Appeal #3134: for a variance to obtain a Building Permit for a garage at #3334 - 5th. Street, Lots #8 and #9, 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. 3134 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



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

ZONING BOARD
9-7-11

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August 26, 2011

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

RE: Appeal #3135: for a variance to obtain a Building Permit for an addition at #1276 Poplar, Lots #13 & #14, Lynch & Steffes Sub. Pt. of Lot #7, 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

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Sincerely,

Eddie A. Reyes
Senior Drafter
Data Integrity and Technology

EAR/
Enclosure

DTE Energy



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

ZONING BOARD
9-7-11

8079

August 26, 2011

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

RE: Appeal #3136: for a variance to obtain a Mechanical Permit for Mechanical Equipment to be located in a sideyard at #1020 Goddard Rd., Lots #1 to #3, 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:

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Sincerely,

Eddie A. Reyes
Senior Drafter
Data Integrity and Technology

EAR/
Enclosure

ZONING BOARD
9-7-11

I object to their appeal.

Rev #3136

RECEIVED

8-29-11

To the Board, I live next to

9 of 9

John & Beverly Frostic and I can

honestly say that they are the

worst neighbors I have ever had.

With regards to the mechanical equipment

between our homes which should have

been placed at the rear of their house.

It's was placed on the side next to

mine and right across from my diningroom

and bedroom windows. This device

awakens me at night with its on and

off motion. Please have them remove

it immediately.

Sincerely,

Mite Bohr

1004 Gable

Myrtle

AGENDA
ZONING BOARD OF APPEALS AND ADJUSTMENT
MEETING DATE Wednesday, October 5, 2011

The meeting of the Zoning Board of Appeals and Adjustment will be held at 6:30 p.m., local standard time in the second floor Council Chambers of the Wyandotte City Hall, 3131 Biddle Avenue, Wyandotte, Michigan.

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#3137

Diane Gerben, 1852 Electric, Wyandotte (owner & appellant)

for a variance to obtain a building permit for a garage at 1852 Electric, N 10' of Lot 124 also Lot 125, Ford Estates Sub., in a RA zoning district, where the proposed conflicts with Section 2100 of the Wyandotte Zoning Ordinance.

Section 2100:

Allows a maximum lot coverage of 35% of the lot with structures, dwelling and accessory structure, or 1,428 sf in this case. The proposed garage and existing dwelling would cover 1,503 sf, exceeding the allowable lot coverage by 75 sf.

#3138

Townsend Sign, 31550 Gossett Drive, Rockwood (appellant) and Alan DeBiasi, 4500 – 13th Street, Wyandotte (owner)

for a variance to obtain a sign permit for a pole sign at 4500 – 13th Street, Lots 10 – 13, Wyandotte Industrial Sub. #1, in an I-1 zoning district, where the proposed conflicts with Section 2408.F.2(b) and 2704.F.2(k)(2) of the Wyandotte Zoning Ordinance.

Section 2408.F.2(b):

States that a pole sign will only be allowed when a ground sign cannot be erected due to building location or other site constraints and upon approval of the Planning Commission. The existing sign was destroyed by more than 50% of its replacement cost and there is sufficient site available to construct a ground sign. A variance by the Zoning Board of Appeals to erect a pole sign in lieu of a ground sign would be required prior to submittal of the pole sign to the Planning Commission for review and approval.

Section 2704.F.2(k)(2):

Changeable message signs shall only be permitted as ground or walls signs, where the proposed application is for the changeable message sign to be located on a pole sign. This would require a variance from the Zoning Board of Appeals.

#3139

D A Home Improvement, 1128 Eureka, Wyandotte (appellant) and Diane Smith, 302 Spruce, Wyandotte (owner)

for a variance to obtain a building permit for a garage at 302 Spruce, Lot 14, Block 94, in a RT zoning district, where the proposed conflicts with Section 2100 of the Wyandotte Zoning Ordinance.

AGENDA
ZONING BOARD OF APPEALS AND ADJUSTMENT
MEETING DATE Wednesday, October 5, 2011

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Section 2100:

Allows a maximum lot coverage of 35% of the lot with structures, dwelling and accessory structure, or 1,571.06 sf in this case. The proposed garage and existing dwelling would cover 1,872 sf, exceeding the allowable lot coverage by 300.94 sf.

#3140

KDI Builders, Inc., 14400 Fort, Southgate (appellant) and Monroe Bank & Trust, 102 E. Front Street, Monroe (owner)

for a variance to obtain a Certificate of Occupancy to provide less than required off street parking at 395 St. Johns, (Legal Description on file), in an I-1 zoning district, where the proposed conflicts with Sections 2403.R.2.b, 2403.R.4.b and 2403.R.4.c of the Wyandotte Zoning Ordinance.

Sections 2403.R.2.b, 2403.R.4.b and 2403.R.4.c:

Requires a total of 26 off street parking spaces for the proposed use, where only 4 paved off street parking spaces are provided.

#3141

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 & 39, Welch's Ford City Sub., in a RA zoning district, where the proposed conflicts with Sections 2100, 2401.D.2 and 2402.D 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 1107 square feet, which is 48.05% 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.D:

An accessory building shall not exceed 40% of the total rear yard. Proposed detached garage would exceed allowable rear yard coverage by 457 square feet or 57% of the rear yard.

NOTE: Sections 2402.E, 2402.G, 2401.C.1 were granted at the August 3, 2011, Zoning Board Meeting, Appeal #3129.