

MINUTES AS RECORDED

**MINUTES OF THE MEETING OF November 5, 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

MEMBERS ABSENT: DiSanto, Wienclaw

ALSO PRESENT: Kelly Roberts, Secretary

A motion was made by Member Olsen, supported by Member Flachsmann to approve the minutes of the October 1, 2014, as recorded.

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

No: none

Abstain: none

Absent: DiSanto, Wienclaw

Motion passed

#3191 -APPROVED

Steve Samoranski, Affinity Group Credit Union, 26256 Ryan Road, Warren, MI (appellant) and Affinity Group Credit Union, 144 E. Pike St., Pontiac, MI (owner) has appealed to the Zoning Board of Appeals and Adjustment of the City of Wyandotte for a variance to obtain a concrete permit for a driveway at 1030 – 15th Street (N 13' of Lot 55, also Lot 56, J.J. Perren's Sub.), in a RA zoning district, where the proposed conflicts with Section 2402 of the Wyandotte Zoning Ordinance.

SECTION 2402:

A conforming driveway must be a minimum 8' wide and extend 20' beyond the front of the dwelling into the sideyard. The existing width of the sideyard at a point 13' from the front of the dwelling is less than 8'. The driveway and street approach must be removed, and a full height curb constructed, or a variance for nonconforming off street parking must be granted by the Zoning Board of Appeals.

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

A motion was made by Member Flachsmann, supported by Member Olsen to approve this appeal.

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

#3192 -APPROVED

Richard Gering, 1694 Progress, Lincoln Park, MI (appellant) and Edward Galloway, 1694 Progress, Lincoln Park, MI (owner) has appealed to the Zoning Board of Appeals and Adjustment of the City of Wyandotte for a variance to obtain a building permit for a garage addition at 4460 – 17th Street (Lot 31, Wesley A. Richards Sub.), in a RA zoning district, where the proposed conflicts with Sections 2100 and 2402.D of the Wyandotte Zoning Ordinance.

SECTION 2100 states that the maximum allowable lot coverage equals 35% of the total lot.

The proposed 18'x20' garage addition exceeds the 35% maximum allowable lot coverage square footage by 312 square feet.

SECTION 2402.D states that the maximum allowable rear lot coverage equals 40% of the total rear lot.

The proposed 18'x20' garage addition exceeds the 40% maximum allowable rear yard lot coverage by 120 square feet.

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

A motion was made by Member Olsen, supported by Member Trupiano to approve this appeal.

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

#3193 -DENIED

David & Martha Beaudrie, 3800 – 9th Street, Wyandotte (owner & appellant) has appealed to the Zoning Board of Appeals and Adjustment of the City of Wyandotte for a variance to obtain Certificate of Occupancy for a front yard fence at 3800 – 9th Street (N 70' of Lots 15 to 19, Inc., Garfield Place Sub.) RA zoning district, where the proposed conflicts with Section 2406.A.1 of the Wyandotte Zoning Ordinance.

SECTION 2406.A.1:

Which states, in part, "No residential or nonresidential fence or wall shall be erected in a required front yard, except that on lots with a sideyard adjacent to an alley or a street, a decorative or ornamental fence shall be allowed." The proposed fence extends into the required front yard along an interior side property line.

Proposed front yard fence does not conform to the characteristics of the neighborhood.

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

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

COMMUNICATIONS:

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

OTHER BUSINESS:

Motion was made by Member Olsen, supported by Member Flachsmann, to approve 2015 Schedule. Motion carried.

There being no further business to discuss, the meeting adjourned at 6:55 p.m. **The next scheduled meeting of the Board will be held on December 3, 2014.**

Peggy Green, Secretary

Appeal #3191

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

Gary Leach, Senior Vice President representing Affinity Group Credit Union.

Mr. Leach indicated that the Credit Union foreclosed on the property about two (2) years ago and it was in very poor condition. The Credit Union put about \$24,000 in upgrading the property and now wants to put the property on the market for sale.

Mr. Leach passed out pictures of the inside of the property. Mr. Leach indicated that they remodeled the entire property and now the driveway needs to be taken care of.

Member Gillon asked if it is their plan to replace the driveway or repair it.

Mr. Leach indicated that he would like to leave the driveway like it is if possible.

Member Gillon indicated that he could either receive a variance for no off street parking or remove the driveway and street approach and replaced with a full curb.

Mr. Leach stated that he does not want to replace it just repair the cracks.

Member Olsen indicated that the driveway is in bad shape.

Mr. Leach indicated that it is not public property so he does not see why he could not just repair it.

Member Gillon indicated that either you get a variance for no parking or have to remove the driveway it is either or.

Member Flaschmann indicated to be conforming the driveway has to extend 20 feet past the front of the home, which this driveway does not do.

Member Gillon also commented that the driveway is not eight (8) wide which is also required.

Member Flaschmann indicated that if the appeal is not approved, the Credit Union would need to remove the approach and put in a full curb.

Mr. Leach asked if the variance is approved everything could stay?

Member Flaschmann indicated that yes, it could stay, but it still might need to be replaced that would be up to the Engineering Department.

Mr. Leach indicated that they just want to sell the property as soon as possible.

Mr. Glen Cassel, 1505 Goddard, Wyandotte,

Mr. Cassel indicated that he was concerned that the alley was going to be closed but after hearing what was proposed he is for this appeal. Mr. Cassel indicated that there is a lot of traffic in this area due to the school and he would be opposed to closing this alley.

Chairperson Duran indicated that they are just hearing the variance for the driveway at 1030 15th Street not the vacant of the alley.

No communication was received regarding this appeal.

Appeal #3192

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

Mr. Richard Gering, Owner, present.

Mr. Gering explained that he would like to put a 12 foot addition on to the existing garage. Mr. Gering indicated that he currently lives in Lincoln Park, but is moving into the home in Wyandotte to take care of his Father-In-Law. Mr. Gering stated at his current home in Lincoln Park he has a 2 car garage and the home in Wyandotte only has a one car garage.

Mr. Gering continued that he needs the extra space for storage only.

Mr. Gering stated that the ridge line is currently east and west and the line will go from north to south and the roof will drain towards the alley. Mr. Gering stated that when he has additional funds he plans to construct a new driveway.

Member Gillon asked if the garage door will stay a single car door.

Mr. Gering stated yes.

Member Szymczuk asked if the patio would be opened.

Mr. Gering stated yes, but he plans on extending the roof of the garage over the patio.

One (1) communication was received regarding this appeal.

Appeal #3193

Mr. and Mrs. Beaudrie, Owner present.

Mr. Beaudrie stated that they would like to extend a fence between the property lines. Mr. Beaudrie continued that the fence would be solid and the height will go from 6 feet down to 4 feet. The fence would be located on their property and not the property line.

Member Szymczuk asked if the fence would be solid.

Mr. Beaudrie stated yes.

Member Gillon asked why they wanted a 4 foot solid fence.

Mr. Beaudrie stated that they have lived in the property for 21 years and there is a lot of foot traffic and animals relieving themselves on their property and they are trying to stop that.

Member Gillon stated that in his opinion putting up this proposed fence won't have the effect you want.

Mr. Beaudrie stated that it will also beautify their home.

Mrs. Beaudrie indicated that Ralph Hope, the inspector from the Engineering Department, came out to see the fence and stated it was very nice, he took pictures of other fences and they have been allowed and this should be allowed.

Member Nevin stated that there is an ordinance that covers fences with a diagram. Member Nevin continued that a lot of money was spent and the contractor should know the regulations.

Mr. Beaudrie indicated that part of the fence is in compliance.

Chairperson Duran asked if the fence would be solid all the way down the property line.

Mr. Beaudrie stated yes.

Member Flaschmann stated that if the fence was only 4 feet and you could see through it, he might not object to it.

Mr. Beaudrie indicated that they would consider a decorative fence that is not solid.

Chairperson Duran stated that the Zoning Board can only approve what is before them and a solid fence is what was requested.

Member Olsen stated the this fence would not fit in with the neighborhood and it could result in a safe issue if allowed.

Member Flachsmann stated that there are traffic laws that stated 3 feet or less is only allowed in front yards so you can see traffic.

Mr. Beaudrie stated that the decorative fence on the corner was approved and if the Board would approve this request it would look the same on the interior lot line.

Chairperson Duran read a communication that was received from Mr. Darin into the minutes.

Mr. Beaudrie stated that they would consider changing the fence to a decorative fence that is not solid.

Chairperson Duran stated that they can only approve what is before them and a decorative fence that is not solid is not what was requested.

One (1) communication was received regarding this appeal

ZONING BOARD

11-5-14

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#3192

RECEIVED
10-22-14

10/20/2014

This letter is in reference
to the neighbors want to add
an addition to their garage.

We don't care if that's what
they want.

We can't attend the hearing
we are not well and are on
a walker and cane.

Sincerely
The Hamiltons
4468-17th St

ZONING BOARD
11-5-14 PAGE 8 OF 8

Kelly Roberts

From: Julie Sadlowski <jsadlowski@wyan.org>
Sent: Wednesday, November 05, 2014 10:24 AM
To: 'Mark Kowalewski'; 'Kelly Roberts'
Subject: FW: Zoning Board Variance Appeal #3193

#3193

From: John Darin [mailto:jdarin@wyan.org]
Sent: Wednesday, November 05, 2014 10:18 AM
To: engineering3@wyan.org
Cc: Julie Sadlowski; John Darin
Subject: Zoning Board Variance Appeal #3193

Zoning Board of Appeals and Adjustment:

This communication is in regards to the Zoning Board of Appeals and Adjustment Variance Appeal #3193, to obtain a Certificate of Occupancy for an interior front yard fence at 3800 9th Street.

I have personally reviewed every corner house in the McKinley neighborhood to see if there is precedent for this request. I found a number of residences that have fencing which extends into the front yard along an interior side property line. What I discovered was that most residences that have side lot line fences that encroach into the front yard are old legacy homes constructed before the zoning ordinances were put into place. In fact, many of these older homes have very short setbacks from the front yard sidewalk (~5 -10 feet), which was common during that immigrant period. I could only locate two homes in the area that were of newer construction that have interior front yard fences - 626 Pine Street and 501 Plum Street. These fences were installed quite some time ago (1990's). I am not aware of any other instances of interior side lot line front yard fences installed recently. So, I do not consider any of these examples to be precedent-setting, because they are either very old legacy homes, or variances which were granted 15+ years ago, and which do not represent modern neighborhood design or thinking.

I have also been made aware that the neighbors in the new construction at 3812 9th Street, directly adjacent on the South side to the property in question, oppose the proposed interior front yard fence. I have also been made aware that the neighbors at 900 Forest Street, also adjacent to the property in question to the South across the alley, are also opposed to the proposed interior front yard fence. The other residences occupying the remaining corners at Orchard and 9th are either rental unit or are vacant properties, and are not relevant to this review.

I have had the opportunity to review this issue with the property owners at 3800 9th Street. Their major concern is with solicitors walking across their front lawn. Because I live in the immediate vicinity, I can attest to the fact that solicitors in our neighborhood are relatively infrequent, postal carriers are typically very respectfully of staying on the sidewalks, and newspaper carriers generally toss the paper from the service walk onto the front porch.

Personally, I believe that an interior front yard fence at 3800 9th Street will be detrimental to the neighborhood. It will not promote good relationships between the existing property owners at 3800 9th Street, and their new neighbors to the south, who are moving into a new construction, a house of their dreams, only to find that a 4 foot white vinyl fence is being proposed which will forever block their unobstructed view of a very beautiful neighborhood. The interior front yard fence prohibition was put into place for a reason, namely to provide a visual integrity and continuity to the city's neighborhoods, and to help move the McKinley neighborhood forward from the legacy days when it was a transient rental community. I believe it is a good ordinance, and serves a useful purpose. Approving this fence variance will only provide a setback to the McKinley neighborhood.

In the absence of any compelling public health or safety issues, I oppose granting a variance to permit construction of this proposed interior front yard fence. I am respectfully requesting that the Zoning Board of Appeals and Adjustment deny the Variance Appeal #3193, and deny the property owners the COO for an interior front yard fence at 3800 9th Street. Thank you very much for your consideration.

John Darin
851 Orchard Street
Wyandotte, MI 48192

Zoning Board of Appeals and Adjustment 2015 Schedule

Deadline		Meeting at 6:30 p.m.	
December 26, 2014		February	4
January	23	March	4
February	27	April	1
March	27	May	6
April	24	June	3
May	29	July	15
June	26	August	5
July	24	September	2
August	28	October	7
September	25	November	4
October	23	December	2
November	27	January	6, 2016

Meetings of the Zoning Board of Appeals and Adjustment are held in the Council Chambers of the City Hall, 3200 Biddle, Avenue, Wyandotte, Michigan