

MINUTES AS RECORDED

**MINUTES OF THE MEETING OF October 7, 2015
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: DiSanto
Duran
Flachsmann
Gillon
Olsen
Nevin
Szymczuk
Trupiano
Wienclaw

MEMBERS ABSENT: none

ALSO PRESENT: Peggy Green, Secretary

A motion was made by Member Trupiano, supported by Member Szymczuk to approve the minutes of the September 2, 2015, meeting as recorded.

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

APPEAL #3206 - DENIED

Alberto Alvarez, 1647 Richmond, Lincoln Park (owner & appellant)

for a variance **to obtain a Certificate of Occupancy for a sideyard fence at 1710 – 23rd Street** (Lot 75 and E 15' of Lot 76, Schorr Grove Sub.) in a RA zoning district, where the proposed conflicts with Section 2406.8 of the Wyandotte Zoning Ordinance.

SECTION 2406.8:

When a fence is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said fence shall not be located closer to the street side lot line than the existing front yard setback of the lot to the rear, provided in those instances where lots are forty (40) or less in width the setback need not exceed fifteen (15) feet. Where lots are thirty-five (35) feet or less, the setback need not

exceed ten (10) feet. When a fence is located on a corner lot, the side line of which is substantially a continuation of the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, said fence shall not be closer than the required street side yard setback of the lot to its rear.

Therefore the proposed fence in the side yard is only allowed to be located 20 feet from the side property line of Davis Street which is located 1.35 feet North from the back of walk. This would result in a fenced in yard area of 14.3 feet from the bump out of the home. The proposed location would be all the way up to the property line of the Davis street right of way which would result in a side yard fenced area of 34.3 feet.

Proposed sideyard fence would not be in harmony with the layout and development of the surrounding district or to the adjacent uses, and does not support the intent and purpose of the ordinance.

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

Yes: DiSanto, Gillon, Nevin, Trupiano, Wienclaw

No: Duran, Flachsmann, Olsen, Szymczuk

Abstain: none

Absent: none

Motion passed.

First Motion:

A motion was made by Member Flachsmann, supported by Member Olson, to grant this appeal. Motion failed to pass.

Yes: Duran, Flachsmann, Olsen, Szymczuk

No: DiSanto, Gillon, Nevin, Trupiano, Wienclaw

Abstain: none

Absent: none

Motion failed to pass.

APPEAL #3207 - Cancelled

Albert Wojtala, 2380 – 20th Street, Wyandotte (owner & appellant)

for a variance to obtain a sign permit for a painted on wall sign at 1325 Fort (N 10' of E 84' of Lot 136 and S 25' of E 84' of Lot 137, Belmont A Sub.) in a B-2 zoning district, where the proposed conflicts with Section 2408.G.11 of the Wyandotte Zoning Ordinance.

SECTION 2408.G.11:

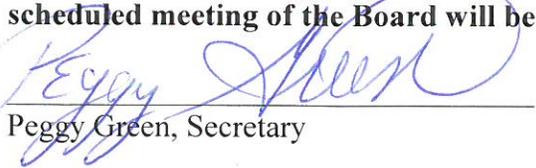
Decorative murals or wall paintings are prohibited in the B-2 Zoning District.

COMMUNICATIONS:

Motion was made by Member DiSanto, supported by Member Wienclaw to place all communications on file. Motion carried.

OTHER BUSINESS:

There being no further business to discuss, the meeting adjourned at 7:10 p.m. **The next scheduled meeting of the Board will be held on November 4, 2015.**


Peggy Green, Secretary

Appeal #3206

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

Albert Alvarez, owner, present.

Mr. Alvarez's Brother, present.

Mr. Alvarez's Brother explained that there is no back yard, the sideyard is all that they can use for a yard, and they will do whatever the Board wants them to do.

Chairperson Duran confirmed that the location was on 23rd and Davis. Mr. Alvarez's Brother stated yes.

Member Szymczuk asked if the front yard fence would be 4'. Mr. Alvarez's Brother replied, yes, it will be 4', will do higher or lower, whatever the Board wants, but he would like for the Board to take into consideration that this is on a corner.

Member Szymczuk asked about the 6' high privacy fence. Mr. Alvarez's Brother stated that it would be wood or vinyl for privacy.

Member Trupiano asked if he would be moving into the house. Mr. Alvarez's Brother replied, that his brother (Alberto) will be moving into the house.

Member Trupiano commented that a lot of work has been done on the house, but he is concerned about traffic.

Mr. Alvarez's Brother stated that the front fence will be 4' and will be 20' from the corner, and you can see traffic. Member Trupiano asked if it would be a solid fence. Mr. Alvarez's Brother replied they are open to suggestions.

Member Wienclaw asked about the fence to the sidewalk on Davis. Mr. Alvarez's Brother replied that it will be 15" from the sidewalk, but they can move it in 5" more.

Member Gillon asked about the trees on Davis. Mr. Alvarez's Brother stated that they would try to put the fence posts next to it, or can leave the tree outside of it.

Member DiSanto asked the space between the alley and the garage. Mr. Alvarez's Brother replied 14' by garage.

Member DiSanto commented that he had lived with his neighbors backyard fence in his front yard for 8 years, and it was a nightmare (backing out/snow removal), and he feels that it would be a mistake for any variance on Davis.

Mr. Alvarez's Brother commented that there is only 48" from the back door to the property line.

Member Flachsmann commented that it would be nice to have a fenced in yard, right now when you are looking from the breezeway, you are looking into the backyard of 2316 Davis.

Mr. Alvarez's Brother stated that his brother's (Alberto) neighbor is nice, and said that he would be happy to sign anything.

Member Flachsmann commented that a letter from the neighbor at 2316 Davis was received in opposition to the appeal. Mr. Alvarez's Brother stated that the neighbor said he would sign anything to help.

Mr. Alvarez's Brother stated that the neighbor he is referring to his next door, the only neighbor. He does not know about the other one, there was a problem with the lawn.

Member Flachsmann stated that one of the letters from the neighbor against the fence is from the neighbor at 2316 Davis.

Mr. Alvarez's Brother stated that they have put a lot of work and money in the house, and asked the Board if they were going to let a neighbor affect their decision.

Chairperson Duran stated that all communications are read at the meeting and discussed by the Board.

Two (2) communications were received in opposition of this appeal. One communication from DTE was received.



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DTE Energy Gas Co.
Data Integrity and Technology
One Energy Plaza, GO-838
City of Detroit, MI 48226

October 5, 2015

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

RE: Appeal #3206: For a Variance to obtain a Certificate of Occupancy for a sideyard fence at 1710 – 23rd Street (Lot 75 and E 15' of Lot 76, Schorr Grove Sub.) in a RA zoning district, where the proposed conflicts with Section 2406.8 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 #3206 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,

RS Russell E Thornton
Drafter
Data Integrity and Technology

RET/
Enclosure

October 6, 2015

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Department of Engineering
Zoning Board

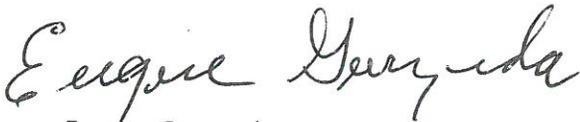
To whom it may concern:

We are writing in regards to the privacy fence and Front Yard rezoning request of the property owners of 1710 23rd St., Wyandotte, MI 48192.

As a residing neighbor I wish to vote no to the approval of the rezoning for the privacy fence of address stated above.

We realize that they have a very limited, if any, backyard. But the owner was aware of this prior to the purchase. I believe that the reasons mentioned as well as the aesthetic value of the current condition is enough to have this request denied.

Thank you for your time and consideration regarding this matter, We truly appreciate it.



Eugene Gurzenda
1682 23rd st
Wyandotte, MI 48192

Nothing Follows

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October 6, 2015

Department of Engineering
Zoning Board

To whom it may concern:

We are writing in regards to the privacy fence and Front Yard rezoning request of the property owners of 1710 23rd St., Wyandotte, MI 48192. As a residing neighbor I wish to vote **no** to the request for the following reasons:

- The proposed privacy fence would disrupt the view of our house from **the** intersection of Davis and 23rd St.
- The proposed privacy fence presents a potential hazard to my property and family by allowing access to unseen persons who happen to decide to "hop" the before mentioned fence.
- According to the diagram submitted the proposed fence would only **go** as far as the edge of my house leaving the privacy of my backyard open to their view and vice **versa**, thus actually not creating any privacy.

We realize that they have a very limited, if any, backyard. But the owner was **aware** of this prior to the purchase. I believe that the reasons mentioned as well as the aesthetic value **of** the current condition is enough to have this request denied.

Thank you for your time and consideration regarding this matter, We truly appreciate it.

Ken Sigler
Marie Sigler

Ken & Marie Sigler
2316 Davis
Wyandotte, MI 48192
313-820-7735

Nothing Follows