

MINUTES AS RECORDED

**MINUTES OF THE MEETING OF April 4, 2012
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: Cusson
Duran
Flachsmann
Gillon
Nevin
Olsen

MEMBERS ABSENT: Alderman, DiSanto, Trupiano

ALSO PRESENT: Peggy Green, Secretary

A motion was made by Member Nevin, supported by Member Gillon to approve the minutes of the March 7, 2012, meeting.

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

No: none

Abstain: none

Absent: Alderman, DiSanto, Trupiano

Motion passed

#3146 - GRANTED

Cassino Construction, 13150 Dix, Southgate (appellant) and Barbara Ballard, 1304 – 12th Street, Wyandotte (owner)

for a variance to obtain a building permit for a garage at 1304 – 12th Street (S 4' of Lot 390 also Lot 391 and N 2' of Lot 392, G.F. Bennett's Blvd. Park Sub.), in a RA zoning district, where the proposed conflicts with Section 2402.F of the Wyandotte Zoning Ordinance.

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 interior 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.

Contractor was planning to demo existing 14.5'x22' masonry garage and construct new 22'x22' wood frame garage utilizing 2/3 of existing foundation. The existing garage setback is 14" from side lot line, an existing

nonconforming condition. Proposed new construction would also be 14" from side lot line which requires Zoning Board of Appeals approval.

Note: Contractor would have to verify depth of existing garage foundation.

Variance for nonconforming condition will not be detrimental to the orderly development of adjacent districts, buildings, or uses and does not impair the intent or purpose of the ordinance.

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

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

No: none

Abstain: none

Absent: Alderman, DiSanto, Trupiano

Motion passed

#3147 - GRANTED

Fine Finishing, 16615 Jessica Lane, Romulus (appellant) and Sandra Hanna, 3923 – 15th Street, Wyandotte (owner)

for a variance to **obtain a variance to building permit #12-104 for a garage at 3923 – 15th Street** (S 14' of Lot 79 also Lot 80, Taylor Park Sub.), in a RA zoning district, where the proposed conflicts with Section 2402.F of the Wyandotte Zoning Ordinance.

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 interior 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.

Contractor was planning to repair existing garage that was damaged during a fire and to leave 50% or more of the structure remaining. The existing garage setback was 1.9' from side lot line, an existing nonconforming condition. During construction, it was determined that walls could not be salvaged and garage was 100% rebuilt at nonconforming location, which requires Zoning Board of Appeals approval.

Variance for nonconforming condition will not be detrimental to the orderly development of adjacent districts, buildings or uses, and does not impair the intent or purpose of the ordinance.

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

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

No: none

Abstain: none

Absent: Alderman, DiSanto, Trupiano

Motion passed

#3148 - DENIED

Grab and Go, 1753 Ford, Wyandotte (appellant) and Dale Lemieux, 51165
Plymouth Valley Dr., Plymouth (owner)

for a variance to obtain a sign permit for eleven (11) banners at 1753 Ford
(Lots 2, 3 and 4, West Park Sub.), in an O-S zoning district, where the proposed
conflicts with Section 2408.F.2.j.1 of the Wyandotte Zoning Ordinance.

SECTION 2408.F.2.j.1:

Attention getting devices including searchlights, balloons, banners (provided
payment of the required fee for the banner is made, and the banner may not be
placed on outdoor café enclosures) and similar devices or ornamentation designed
for purposed of attracting, promotions or advertising, are allowable. A banner or
multiple banners, shall be allowed on each street, parking lot or alley side of the
building, and shall not exceed 24 square feet in area per banner or 24 square feet in
area per banner or 24 square feet total for all banners on each side of building,
except only one (1) banner shall be allowed on the front of the building and shall
not exceed 24 square feet in area. All banners and signs cannot exceed 10% of the
wall area. A maximum two (2) banners on any wall and no more than five (5)
banners. Feather Banners are not permitted.

Applicant is requesting to have the following banners on the building walls:

- a) At the parking lot side, 7 banners at 10 square feet each for a total of 70 square feet,
whereas the ordinance allows 2 banners at maximum 24 square feet each, or a total
of 24 square feet for all banners on each side of building.
- b) At the front of the building, 1 banner at 31 square feet, whereas the ordinance
allows 1 banner at 24 square feet per banner.
- c) At the 18th Street side, 3 banners at 10 square feet each for a total of 30 square feet,
whereas the ordinance allows 2 banners at 24 square feet or a total of 24 square feet
for all banners on each side of building.

A total of 11 banners at 10 square feet each and 1 banner at 31 square feet, for a
total of 141 square feet is proposed. The ordinance allows a maximum of 5 banners
at 24 square feet each allowed on all building walls and no more than 2 banners on
any wall.

**Variance for sign permit denied based on location, size and layout of banners being
objectionable to nearby dwellings to a greater degree than normal with respect to
the proximity of the commercial property to residential uses.**

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

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

No: none

Abstain: none

Absent: Alderman, DiSanto, Trupiano

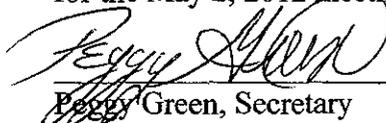
Motion passed

COMMUNICATIONS:

A motion was made by Member Cusson, supported by Member Olsen 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 June 6, 2012** (no appeals were received for the May 2, 2012 meeting).


Peggy Green, Secretary

Appeal #3146

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

Larry D'Aguanno, Cassino Construction, and Barbara Ballard, owner, present.

Mr. D'Aguanno explained that they wanted to keep the existing foundation to save the owner the expense of a new foundation. The existing structure is masonry, the existing foundation is deeper than what is required for a new wood frame garage.

Member Nevin asked Ms. Ballard how long she lived there. Ms. Ballard replied 50 years and the existing garage was there when she moved in.

Member Nevin and Mr. D'Aguanno discussed the sideyard being the same for the new garage, and the existing structure will be demolished and a new one built, they are wanting to use the existing foundation. Mr. D'Aguanno explained that the new garage will be 22'x22' wood frame. Member Nevin stated he was concerned about the separation distance. Mr. D'Aguanno explained that it was 14". Mr. D'Aguanno stated that the new structure will be the same distance as the old structure, and he will fire rate the interior and exterior wall as required by the state.

Member Flachsmann commented that the house is well maintained and very nice.

Member Olsen asked if the existing foundation has been checked for the depth. Mr. D'Aguanno replied yes, this afternoon they dug a test hole at 3' and there is still more footing, if it was done properly, there should be a 42" footing there. Member Olsen asked

if they were keeping the existing garage floor. Mr. D'Aguanno replied no. Member Olsen and Mr. D'Aguanno discussed the existing foundation.

One communication was received from DTE regarding this appeal.

Appeal #3147

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

Mike Rickman, appellant, present.

Mr. Rickman explained that they were doing the remediation for the smoke damage and it was more extensive than they thought. They had a problem with headers, to build to code, they had to have the garage walls higher, and opposed to building a 1 foot knee wall or 8" wall to get height needed for proper headers for main door and entry door, they decided to remove and reframe walls in existing location. Originally they were going to tear down the whole structure and leave 2 walls up, but they felt it would be a better structure to reframe it in same location and footing.

Member Flachsmann asked how long he has been a builder and dealing with building inspectors. Mr. Rickman replied since 1993.

Member Flachsmann commented that he spoke to the building inspector today, and was told that he applied for a permit to leave 50% up so that they would not have to come in front of the Board, then decided to take down the whole building and rebuild it. Mr. Rickman stated that they changed their mind after they got into the job, and when they did the estimate, they did not think about header size, he did make a call to the building department at that time.

Member Flachsmann asked if they reapplied for a permit for the different structure. Mr. Rickman replied no, they already had the trusses on site.

Member Flachsmann commented that he understands construction and sometimes, things happen, but if the Building Department was informed, that was good, also he should try to get a variance before the work is done.

Mr. Rickman commented that he is a building inspector also, and did not want to look like a rogue builder, he was communicating with the building department. Unfortunately, they took the walls down to build a better product.

Member Flachsmann commented that he has no problem with him doing what they did for the construction of the garage, the only thing is that he (Mr. Rickman) should clear it first.

One communication was received from DTE regarding this appeal.

Appeal #3148

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

Dale Lemieux, owner, present.

Mr. Lemieux explained that the 31 square foot banner does not have any advertisement on it, only the store name, he saw it in the zoning ordinance that if it just has a name on it, it does not constitute a banner and that it the only thing on the front. Mr. Lemieux continued that the reason he appealed it that he has no windows (no glass), so if you have 30% of your window covered and 2 signs out front, you can have advertising, but he has no glass. Mr. Lemieux continued that he cannot afford to run circular ads weekly stating specials. He took everything off the front, basically on the front is the name and on the one side is one beer sign and an atm sign.

Member Nevin commented that he saw a multitude of signs on the building plus huge 30 footer, it looks like a lot of signage. Mr. Lemieux stated that he will have to take the signs down if the Board does not approve them. Mr. Lemieux added that he has to advertise, he cannot pay \$7,000 in taxes if people think that the store is empty. Mr. Lemieux stated that people do drive by and compare prices and store, and they ask him, and he says that he has the special, but had to take his sign down. Mr. Lemieux stated that he does not mind taking some down, but he has no glass.

Member Gillon commented on the front sign that Mr. Lemieux might consider making that more of a permanent sign, than a banner type. Mr. Lemieux stated that it was fiberglass attached to the wall. Member Gillon and Mr. Lemieux discussed total signage allowed on a building.

Member Cusson commented that the front sign does say beer, wine and lotto. Mr. Lemieux stated that it was not advertising. Member Cusson stated it was still banner type. Member Cusson asked if he had ever considered a changeable sign. Mr. Lemieux asked what if he took it down and put glass in and filled up 30%. The guy he spoke to on the phone stated that he and told him that is why he is here in the first place, that is why the city is going all over looking at signs. He was told last spring that he could have 10% of his building, then it was changed again. Mr. Lemieux stated that he is just trying to run a store and make money.

Member Cusson commented that he did not want to handcuff any business in the city that is already struggling, as all businesses in all communities are struggling, but it has to have some type of curb appeal to the community and neighborhood, and he feels that it where the problem comes in.

Mr. Lemieux asked what is more of any eyesore, an empty building or a sign that says what is going on.

Member Cusson stated that the sign in front looks ok, it explains what it sold, but he feels it is an eyesore and that the advertising needs to be toned down a little, and that it why the ordinance is there.

Mr. Lemieux commented about the gas station having beer stickers on pumps and banners blowing in the wind, and asked if that was not an eyesore.

Member Cusson commented that he is only dealing with this appeal.

Member Cusson discussed that everyone needs to work together for a solution.

Mr. Lemieux commented that all stores have signs. Member Cusson stated that the Ordinance Officer should be informed so that they can be checked out, and have to, come before the Board.

Mr. Lemieux commented that if people don't see signs, they will think he has high prices.

Mr. Lemieux stated that the store looked like an eyesore when it was sitting there empty and paint peeling off, it can go back to that, if he can't advertise, he can't get people in. Mr. Lemieux added that he was insulted about being told it was an eyesore, he takes a lot of pride in his store.

There was discussion between Mr. Lemieux and Member Cusson regarding the store.

Two communications were received in opposition to this appeal.

One communication was received from DTE regarding this appeal.

ZONING BOARD
4-4-12

8 OF 12

Attn: Dept. Of Engineering & Building,

This is in regards to Appeal #3148 to obtain a variance for a sign permit for 11 banners at 1753 Ford Avenue , by Dale Lemeiux for the Grab and Go store. We are against this appeal as the store already is very unattractive with all of its signs on the building itself and covering the windows. Having 11 banners will make it look like a carnival. We feel it is unnecessary to advertise in this manner and is very distasteful. If this store is allowed to do this, how many other stores will want to do the same? We don't even understand how this store is allowed to have all of the signs it now has all over the building. Isn't there an ordinance for this? If not, there should be. It makes the block look trashy.. Please do not allow these banners.

Thank you,
Mr. & Mrs. William Wilson
2066 2nd St.

RECEIVED
3-26-12



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

10 OF 12
Zoning Board
4-4-12

March 26, 2012

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

RE: Appeal #3147: for a variance to obtain a Building Permit #12-104 for a Garage at #3923 - 15th Street, in Taylor Park Subdivision, in an 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. 3147 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,

/s/ 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

11 OF 12
Zoning Board
4-4-12

March 26, 2012

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

RE: Appeal #3146: for a variance to obtain a Building Permit for a garage at #1304 - 12th. Street, in G.F. Bennett's Blvd. Park Subdivision, in an 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.
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Sincerely,

LS/ Eddie A. Reyes
Senior Drafter
Data Integrity and Technology

E.A.R.
Enclosure



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

12 OF 12
Zoning Board
4-4-12

March 26, 2012

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

RE: Appeal #3148: for a variance to obtain a Sign Permit for eleven (11) banners at #1753 Ford Road, in West Park Subdivision, in an OS 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

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Enclosure