

MINUTES AS RECORDED

**MINUTES OF THE MEETING OF November 2, 2016
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 Municipal Service Conference Room on the 2nd floor, 3200 Biddle Avenue, Wyandotte.

MEMBERS PRESENT: Duran
Flachsmann
Nevin
Szymczuk
Trupiano
Wienclaw

MEMBERS ABSENT: DiSanto, Gillon, Olsen

ALSO PRESENT: Peggy Green, Secretary

A motion was made by Member Szymczuk, supported by Member Trupiano to approve the minutes of the October 5, 2016, meeting as recorded.

Yes: Duran, Flachsmann, Nevin, Szymczuk, Trupiano, Wienclaw

No: none

Abstain: none

Absent: DiSanto, Gillon, Olsen

Motion passed.

APPEAL #3230 - GRANTED

DFC Distribution, 5040 Heather Dr. X 107, Dearborn, (appellant) and Fort Street Plaza, 1806 N. Telegraph Road, Dearborn (owner)

for a variance **to obtain a Certificate of Occupancy for retail and repair of electronics at 1209 Fort** (E 84' of Lots 152 to 156, Inc., Belmont Sub.) in a B-2 zoning district, where the proposed conflicts with Section 2403 of the Wyandotte Zoning Ordinance.

Section 2403:

A minimum of 7 parking spaces required for proposed retail and repair of electronics. Existing parking lot has 27 spaces with 24 spaces already required for the new uses at 1217 and 1231 Fort. There are 3 spaces remaining, where a total of 7 spaces is required.

Proposed parking spaces available for retail/repair location will not hinder or discourage the appropriate development or use of adjacent land and buildings, will not interfere with normal flow of pedestrian or vehicular traffic, and will not impair the intent or value of the ordinance as written.

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

Yes: Duran, Flachsmann, Nevin, Szymczuk, Trupiano, Wienclaw

No: none

Abstain: none

Absent: DiSanto, Gillon, Olsen

Motion passed.

APPEAL #3231 - GRANTED

Rhonda Shuman, 444 Maple, Wyandotte (owner & appellant)

for a variance to obtain a Certificate of Occupancy for a rear yard fence at 444 Maple (Lot 12, Block 125) in a RT zoning district, where the proposed conflicts with Section 2406 of the Wyandotte Zoning Ordinance.

Section 2406:

Fences, not exceeding five (5) feet in height may occupy a side yard, however, fences six (6) feet in height may be permitted provided a side yard width of not less than four (4) feet on both sides of the fence is provided and a front yard of not less than twenty (20) feet is provided. Fences not exceeding six (6) feet in height may occupy a rear yard. Except for the following: Wherein the adjacent lot is developed and the side yard fence is adjacent to the rear yard of the developed lot or wherein the lot is adjacent to an alley or a street, then said side yard fence may be six (6) feet in height. Where the existing fence with 6' panels varies in height from 6'-4" to 6'-7" in height at the north side of the tree. The top of the fence is level, but due to the yard dipping down, the height of 6'-7" above the yard grade exists.

Proposed rear yard fence height (due to uneven grade on the property line) will not hinder or discourage the appropriate development or use of adjacent land or buildings, or will not impair the intent or value of the ordinance as written.

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

Yes: Duran, Flachsmann, Nevin, Szymczuk, Trupiano, Wienclaw

No: none

Abstain: none

Absent: DiSanto, Gillon, Olsen

Motion passed.

APPEAL #3232 - GRANTED

James Hanson, 1063 – 8th Street, Wyandotte (owner & appellant)

for a variance to obtain a building permit for a garage addition at 1063 – 8th Street (S 20 ft of Lot 101 ALSO N 22 FT OF LOT 102 G. F. BENNETT'S GODDARD ROAD SUB) in a RA zoning district, where the proposed conflicts with Section 2100 of the Wyandotte Zoning Ordinance.

Section 2100:

A maximum of 35% lot coverage is allowed in a RA zoning district. The existing addition to the garage results in the allowable lot coverage being exceeded by 89.22 sq. ft.

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

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

Yes: Duran, Flachsmann, Nevin, Szymczuk, Trupiano, Wienclaw

No: none

Abstain: none

Absent: DiSanto, Gillon, Olsen

Motion passed.

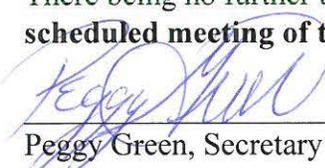
COMMUNICATIONS:

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

OTHER BUSINESS:

A motion was made by Member Trupiano supported by Member Szymczuk to approve proposed 2017 Schedule. Motion carried.

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 December 7, 2016.**



Peggy Green, Secretary

Appeal #3230

Chairperson Duran read the appeal and asked that it be explained

Imad Deaibes, appellant, and Kal Khalil, owner, present.

Mr. Deaibes explained that they wanted to buy overstock return and use the building for storage. They would be repairing their own products that had been returned from stores. Repairs would not be for the public. Mr. Deaibes continued that there are also parking spaces in the front, the store would be during daytime hours, the sushi restaurant would be more likely evening business, and the pizza is mostly delivery, and doesn't require much parking.

Chairperson Duran asked about the frontage of the building. Mr. Deaibes replied that it will be mostly storage with a small showroom in front. Chairperson Duran asked how many employees there would be. Mr. Deaibes. replied 2.

Member Trupiano commented about the front and explained that the parking would figured on 800 square feet being open to the general public. Mr. Deaibes stated that it

was a small area. Member Trupiano asked Mr. Deaibes if he was affiliated with any other businesses. Mr. Deaibes replied no.

Member Trupiano commented on the dumpster taking up some parking spaces. Mr. Khalil stated that the dumpster was there because electrical work was being done. The dumpster will be moved to the rear and will not be taking up any parking spaces.

Member Flachsmann asked about the parking plan that had been submitted indicating 27 parking spaces. Mr. Khalil stated that Pizza King had submitted that.

Member Szymczuk commented that he had counted 16 parking spaces just on the side. Member Wienclaw commented that the pizza is carry out, and that shouldn't cause a conflict.

One communication was received from DTE.
1 communication was received in opposition

Appeal #3231

Chairperson Duran read the appeal and asked that it be explained
Rhonda Schuman, owner, present.

Ms. Schuman explained that the fence was installed September 21, 2015, and she just recently received a notice that her neighbor (Jack) was complaining about it.

Member Wienclaw commented that the fence is in great shape, the ground is unlevel, and he is not sure what could be done .

Member Flachsmann commented that the problem is the new fence being over 6' in height due to the grade. Ms. Schuman commented that basically the ground is unlevel, and the fence company tried to make the fence level. Member Flachsmann informed Ms. Schuman that anything on her side of the property line could be removed (referring to the tree). Member Flachsmann continued that he did not see a reason why dirt could not be put there to raise the grade. Ms. Schumann stated that she was thinking that too, she tried to do the right thing, and now the warranty is up on the fence, and she did think that adding some dirt may solve the problem. Member Flachsmann commented that it was a nice straight fence.

Member Trupiano commented that it was a tough issue, the grade does pitch towards the alley, it could be backfilled, but that may cause other problems. Member Trupiano asked what date the fence as installed. Mr. Schuman replied September 21, 2015.

Member Nevin asked if there any problems when the fence went up. Ms. Schuman replied she was not sure, she told the neighbors she wanted a fence for privacy and to enhance the property.

Jack Nelson, 452 Maple, Wyandotte, present.

Mr. Nelson stated that he owns the house he lives in and has a house by the corner, his concern is that he can't see over the fence to see what is going on at his house by the corner. Mr. Nelson added that the fence is closer to 7' in height, and he can't see down the block, there are kids that hang out on the house by the corner. Mr. Nelson added that he lived in the corner house for 18 years, and has lived in the house he is in now for 18 years, and added again that he prefers to be able to see the house on the corner.

John Truitt, 424 Maple, present.

Mr. Truitt stated that the site line is not there for him (452 Maple) to see, there is a new house being built. Mr. Truitt stated that there are reasons for the fence and referred to his letter that he has sent to the Board (attached). Mr. Truitt continued that Ms. Schumann acted in good faith, she hired a contractor that should have know the rules, and added that the city might need to revisit the idea of a permit being required for a fence. Mr. Truitt added why did the neighbor wait so long to complain and that the neighbor does harass Ms. Schuman.

Member Flachsman commented that permits are issued for safety and health. The fence ordinance is quite elaborate, and a contractor should know the ordinances in a city that he is working in.

Mr. Truitt added that the fence looks great.

Kathleen Guiney, 423 Maple, Wyandotte, present.

Ms. Guiney stated that he has dealt with Jack (452 Maple) for a long time. He is a hoarder, there is stuff at the house on Maple and 4th, there was a nasty pool in his rear yard, but he finally took that down. Ms. Guiney continued that if she lived next door to Jack, she would want an 8' high fence, he is not a nice neighbor and he should have complained about the fence last year. Ms. Guiney added that Jack lets the kids on his property on the corner, and she does not see why he needs to see them over the fence.

One communication was received from DTE.

3 communications were received in favor

Appeal #3232

Chairperson Duran read the appeal and asked that it be explained

James Hanson, owner, present.

Mr. Hanson explained that he had an inspection to sell his house, and it was discovered that the addition is too large. Mr. Hanson continued that existing garage had a slab with a shed, he needed more room, and felt that if he tied into the garage, it would look better, he did not know about the lot coverage. Mr. Hanson added that the house is sold.

Chairperson Duran asked if this came up from the inspection. Mr. Hanson replied yes. There was an existing shed there, and he wanted to tie into the garage. Chairperson

Duran asked if he built the addition himself. Mr. Hanson replied yes. Chairperson Duran asked the size of the garage. Mr. Hanson replied it was a two car garage.

Member Nevin asked if the addition was heated. Mr. Hanson replied that was a wood stove in the main part of the garage, but it is coming out. Member Nevin asked about the addition. Mr. Hanson replied that he thought he could build the addition since there had been a shed there and he didn't think a permit was needed since there has been an existing shed there.

Member Szymczuk asked if the shed had been next to the garage. Mr. Hanson replied that the shed was on the slab. Member Szymczuk asked how old the addition was. Mr. Hanson replied 10 years old.

Member Trupiano asked about the slab. Mr. Hanson stated it was existing. Member Trupiano asked if the slab met code. Mr. Hanson replied yes. Member Trupiano asked Mr. Hanson if he would be staying in Wyandotte. Mr. Hanson replied that his mother-in-law recently passed away, and they would be moving into her house in Lincoln Park. Member Trupiano informed Mr. Hanson that a permit is needed for building structures.

Member Flachsmann informed everyone listening to check with the Building Department before building anything. Member Flachsmann informed Mr. Hanson that his permit request would have been approved 10 years ago, because the calculation were different then.

John Hill, 1073 – 8th Street, Wyandotte, present.

Mr. Hill stated that the shed had been torn down before James moved in the house. Mr. Hill continued that when they took (Hanson's) the property back over, the slab was there, then they built a garage, and the same guys that built the garage, came back and built the addition.

Member Trupiano asked Mr. Hill if he had an issue with the addition. Mr. Hill replied yes and expressed concern about the alley.

Member Flachsmann stated that he drove down the alley, it looked and good and the property/ neighborhood looked nice.

Mr. Hanson stated that he did not want to mislead the Board, and added that the neighbor (Mr. Hill) is not fond of him. Mr. Hanson continued that he made the addition look nice, and nothing was ever said by the neighbor. Mr. Hanson added that who helped him build the garage, did not help him with the addition. The addition was done 10 years ago, and this is the neighbors last chance to get a dig in.

Mr. Hill stated that he does not get along with his neighbor, he is a city employee and knows the codes.

One communication was received from DTE.

Zoning Board of Appeals and Adjustment 2017 Schedule

Deadline		Meeting at 6:30 p.m.	
December 22, 2016		February	1
January	20	March	1
February	24	April	5
March	24	May	3
April	21	June	7
June	2	July	19
June	23	August	2
July	28	September	6
August	25	October	4
September	22	November	1
October	27	December	6
November	24	January	3, 2018

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

8 OF 15

October 25th, 2016

From:

Nagesh K Palakurthi,
12054 Fort St,
Southgate,
MI 48195

#3230
1/10/2016

To :

Ms. Peggy Green
Zoning Board Secretary,
3200 Biddle Avenue, Suite # 200,
Wyandotte, MI 48192

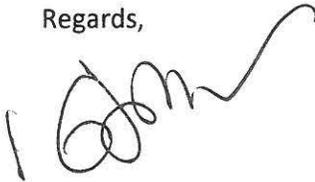
Ref: Appeal # 3230 - Zoning Board of appeals and Adjustments

Dear Ms. Peggy,

I have received a notice of public hearing on this matter but am unable to attend because the hearing has been set for 6.30 PM on November 2nd 2016.

I would like to express my opposition to the granting of parking area for this project.

Regards,



Nagesh K Palakurthi

Contact # 734-673-6464

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

October 26, 2016

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

RE: Appeal #3230

Dated: 10/14/2016

- 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:

Involved but have no objection to the property change provided that the request for a Variance to obtain a Certificate of Occupancy for retail and repair of electronics at 1209 Fort St (E 84' of Lots 152 to 156, Inc., Belmont Sub.) in a B-2 zoning district, where the proposed conflicts with Section 2403 of the Wyandotte Zoning Ordinance. Reason being is that, DTE Energy Gas Co. has an existing Gas Service (1-1/4"-MD PLA-2016) Located at 6' SSBW of 1209, 1217 & 1231 Fort Street, Wyandotte and an existing Gas Main (2" STL-10# 1949, 1950 & 1951) that Runs 8' WEPL of Fort. Otherwise, contact DTE Energy Gas Company Public Improvement Department: Michael Fedele at 313-389-7211 (Supervisor) or Laura Forrester at 313-389-7261 (Gas Planner), for the estimated cost of our services in abandoning/removing/ and/or relocating/rerouting, including the survey, design and drawing of our utilities. See enclosed strip prints for your use and information regarding our gas main locations.

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,

ISI Russell E Thornton

Drafter
Data Integrity and Technology

RET/
Enclosure

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

October 26, 2016

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

RE: Appeal #3231: For a Variance to obtain a Certificate of Occupancy for a rear yard fence at 444 Maple (Lot 12, Block 125) in a RT zoning district where the proposed conflicts with Sections 2406 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 #3231 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,

LSI Russell & Thornton
Drafter
Data Integrity and Technology

RET/
Enclosure

11 of 15

Oct 25, 2016

City Hall of Wyandotte

This letter is about the letter we received about the fence at 444 Maple St Wyandotte. We have no problem with it. Ms Sherman ask how we felt about her putting up a privacy fence. Last year, and we didn't care. Our neighbor Jack Nelson is mad because he can't be so nosy and see everything. We like the Fence.

Mark + Angela Stanley

MARK + ANGELA Stanley
460 Maple

#3231
10-28-16

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#3231 Rec'd 10/28/16
Oct 27, 2016

To Whom it Concerns

The fence at 444 Maple
Should stay just the way it is.

Ms R. Shuman asked all
her neighbors how they felt
about her putting a privacy fence
up, no one cared & said go ahead

Jack Nelson is a nasty & nosey
man, he complains about everything
that anyone does to improve there
property, he should worry about
the mess in his yards, & leave

Ms Shuman alone, I know he
has made nasty comments to her
many times, he tries to intimidate
women, and becomes upset when
they tell him to back off.

Myself I think the Fence
Should stay just the way it is.

Mr & Mrs Johnson
464 Maple

P.S. Someone should make him
trim his tree, the fence was put
up the way it is because of his
tree.

130F15

✓ 10-26-16
3231

John Truitt
424 Maple Street
Wyandotte, MI 48192

October 26, 2016

Zoning Board of Appeals and Adjustment
City of Wyandotte
Suite 200
3200 Biddle Avenue

Re: Rhonda Shuman, 444 Maple

I ask that the Zoning Board of Appeals and Adjustment grant a variance to Ms. Shuman and let the fence stand as is. I have no objection to it.

The fence became a necessity due to the neighbor Mr. John (Jack) Nelson. Mr. Nelson owns two properties on Maple. He is currently residing in the house immediately next to Ms. Schuman.

Mr. Nelson's behavior and his (at the time the fence was built) unkempt backyard prompted Ms. Schuman's need for the fence. Allowing her some level of privacy and a sense of security - prompted the building of the fence.

Mr. Nelson has a long history on the block of inappropriate behavior, language, conversations and gestures. He has directed his sexist and rude comments to Ms. Schuman, her daughter and guests that visit on numerous occasions. He has even had the nerve to put his hand on her shoulder during a conversation. He has purposefully and willfully made her uncomfortable.

Mr. Nelson was inappropriate with me when I first moved in. Displaying his alpha male tendencies. I was able to stop him. Other neighbors have warned him not to go near their children and grandchildren.

At the time the fence was built there was an unkempt, water filled, swimming pool, questionable shed, exterior hot water tank mounted to the back of the house and other nonsense in the yard. Ms. Schuman, prides herself on her well-kept back yard and enjoys entertaining in the yard. Ms. Nelson's other house has another unkempt yard with wood piles, debris, garage items stored under the back porch.

Ms. Schuman contracted with Lowes which provided the contractor. Ms. Schuman, in good faith, trusted that the contractor would complete the work in compliance with local laws, permits and ordinances. Mr. Nelson was involved at the time of the fence building. He was present. He granted access to the property to complete the job. The finish side of the fence is facing his property.

Mr. Nelson should have questioned the height of the fence at the time of the construction. His waiting until this time to press the issue - waiting till work warranties are surely past due, is another sign of his assertive, aggressive, and inappropriate behaviors.

14 of 15

While the first section of the fence is considered side yard and "should not" exceed 5 (feet), I ask that the fence be allowed as is. Again it is a privacy issue. Keeping Mr. Nelson from leering thru window or standing at the fence with his running commentaries are goals of this privacy fence.

If Mr. Nelson argues for this section to be lowered because it "blocks" his view, doesn't allow access to the yard, or is safety issue, please remind him he does the same thing to his neighbors, the Stotts, at his other house when he parks his large boat – right under their back windows – within three feet of the rear of their house. They get to enjoy blocked views, no egress to the back of their house and the gas and oil smells from the boat – all winter into the spring.

It is regrettable that we do not have a permit process in place that would address compliance issues during the planning and construction stages of a project. Not months or years after a project – when someone decides to use it as a tool of intimidation towards another.

Mr. Nelson needs to be very careful...a close inspection of his two homes on Maple.....

Mr. Nelson is forcing this issue at this time again to display dominance over Ms. Shuman and as a method of intimidation.

Good fences usually make good neighbors.. Unfortunately this fence was built in hopes of providing Ms. Schuman with some peace and security which should have been afforded to her by a reasonable and polite neighbor.

Ms. Schuman has endured enough, the need for this fence, its costs, and now this tribulation. Unfortunately, denying this variance will only embolden Mr. Nelson's feeling of dominance and allow further license for his inappropriate behavior.

Sincerely



John Truitt

Resident/Neighbor

15 of 15

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

October 26, 2016

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

RE: Appeal #3232: For a Variance to obtain a building permit for garage addition at 1063 8th Street (S 20 Ft of Lot 101 also N 22 Ft of Lot 102, G.F. Bennett's Goddard Road Sub)) in a RA zoning district where the proposed conflicts with Sections 2100 of the Wyandotte Zoning Ordinance.

- Not involved. See Remarks
- Involved: but asking you to hold action on this petition until further notice.
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REMARKS:

DTE Energy Gas Company has no involvement, nor objection to the Appeal #3232 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,

ISI Russell E Thornton
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RET/
Enclosure