

MINUTES AS RECORDED

**MINUTES OF THE MEETING OF January 6, 2021
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.**, this was a virtual audio-only meeting.

MEMBERS PRESENT: Duran
Flachsmann
Gillon
Nevin
Olsen
Szymczuk
Trupiano
Wienclaw

MEMBERS ABSENT: DiSanto

ALSO PRESENT: Peggy Green, Secretary

A motion was made by Member Szymczuk, supported by Member Nevin to approve the minutes of the December 2, 2020, meeting.

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

No: none

Abstain: none

Absent: DiSanto

Motion passed

APPEAL #3338 – GRANTED w/stipulation

Gordon Swart, 1 West Jefferson, Trenton (appellant) and ACJR LLC and FRVF LLC, 1551 Church, Detroit (owner)

for a variance to obtain a Certificate of Occupancy for a warehouse/office at 960 Biddle, (Lots 11 and 12, George Perry's Sub.), in a B-2 zoning district, where the proposed conflicts with Section 1400-1401 of the Wyandotte Zoning Ordinance.

Section 1400-1401:

The storage of classic cars only in this building is not a principal use allowed in a B-2 zoning district.

Proposed use of building for classic car storage is deemed to meet all requirements based on reasonable use in the area located, does not alter or deter from general neighborhood conditions or impair the intent of the ordinance as written.

Stipulation: Proper clearance to be received from the Fire Department in regards to vehicles being stored in the building.

Motion was made by Member Szymczuk, supported by Member Olsen to grant w/Stipulation this appeal.

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

No: none

Abstain: none

Absent: DiSanto

Motion passed

APPEAL #3339 – GRANTED

Dan Martin, 265 Chestnut, Wyandotte (owner & appellant)

for a variance to obtain a Certificate of Occupancy for walkup food service establishment at 3050 Biddle, (legal description on file), in a CBD zoning district, where the proposed conflicts with Section 1300 of the Wyandotte Zoning Ordinance.

Section 1300:

Principal uses permitted in which a walk up food service establishment is not a permitted use.

*Note: Compliance with ADA is not required as any alterations necessary to comply would be technically infeasible and not required per 2012 Michigan Rehabilitation Code for existing buildings, Sections 410.4, 410.6, 410.7, 410.8 and 410.8.11.

Proposed use of building for walkup food service establishment is deemed to meet all requirements based on reasonable use in the area located, does not alter or deter from general neighborhood conditions or impair the intent of the ordinance as written.

Motion was made by Member Wienclaw, supported by Member Olsen to grant this appeal.

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

No: none

Abstain: none

Absent: DiSanto

Motion passed

APPEAL #3340 – GRANTED

Jennifer Rainey, 3504 – 17th Street, Wyandotte (appellant) and Kevin Sarkody, 22955 Monterey Dr., Woodhaven (owner)

for a variance to obtain a Certificate of Occupancy for an establishment serving nutritional shakes and teas at 1201 Fort, (E 84' of Lot 157, Belmont Sub.), in a B-2 zoning district, where the proposed conflicts with Section 2403.R.3.N of the Wyandotte Zoning Ordinance.

Section 2403.R.3.N:

One (1) off street parking space each seventy-five (75) square feet of usable floor area; plus one (1) off street parking space for each employee. In those instances where patrons are served without seating, one (1) parking

space for each twenty (20) square feet of standing room floor area in addition to the above requirements shall be provided.

The proposed use requires ten (10) off street parking spaces where only three (3) off street are provided.

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

Motion was made by Member Nevin, supported by Member Szymczuk to grant this appeal.

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

No: none

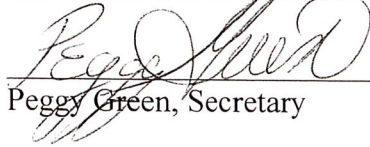
Abstain: none

Absent: DiSanto

Motion passed

OTHER BUSINESS:

There being no further business to discuss, the meeting adjourned at 7:30 p.m. **The next scheduled meeting of the Board will be held on March 3, 2021.** (no appeals were received for the February 3, 2021, meeting)



Peggy Green, Secretary

Appeal #3338

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

Robert Young, Attorney, representing owner, and Tony Formosa, owner, participated.

Mr. Young explained that the previous tenant was a commercial cleaning industrial environmental company and they did store materials. Mr. Young stated that the building was purchased in 2019 with approximately 2800 square feet of office space and 4000 square feet of warehouse. Mr. Young discussed what other prospective tenants had proposed to do in the building. Mr. Young continued that currently a permitted use has been approved for Cruisin Classic Agency, which is insurance coverage for classic cars, which is related to the use requested by the applicant. Mr. Swart approach them regarding the warehouse and he owns classic cars and wants to store in a clean and secure area.

Mr. Young stated that the warehouse will be limited to the storage of classic cars and collectables only, no business will be conducted, will not be open to the public, there will be no repairs done, construction, or assembly work of any kind, it will not be used to store inventory or supplies for any business, no commercial deliveries will be made on or to the property, and nothing will be sold or consumed on the property in any commercial manner.

Mr. Young continued that the applicant applied for a Certificate of Occupancy, and it was determined by the City Engineer that the warehouse/personal storage use was not incidental to the business use in front and therefore not allowed in a B-2 district and they are asking the Board for consideration. Mr. Young discussed sections of the Zoning Ordinance and added that Mr. Swart's use is less intrusive, there will be no impact on the

neighbors, and no commercial storage, it is just three guys who own cars and want to store them. The applicant suggests that its use as proposed is similar to the permitted uses described in the ordinance and therefore compatible and permitted under a B-2 zoning district.

Mr. Young continued that Section 1400 Q, an accessory structure and use customarily incidental to any of the permitted uses is allowable, provided such structures and uses are located on the same zoning lot. Mr. Young stated that the front of the building is occupied by a classic car insurance agency, which is compatible with the applicant's proposed use.

Mr. Young added that the applicant and the property owner agree that the interpretation as requested, is limited to these parties and once this lease terminates for any reason, the property owner consents to and agrees that any interpretation of the ordinance section terminates and is not binding on any future use. Any new uses or change in occupancy/tenant would require a new review by the Building Department. Mr. Young indicated that the applicant will execute any such understanding with the City in writing if necessary. Mr. Young stated that if the use discontinues, they would start the process all over again. Mr. Young stated again that there would be no negative impact on the neighborhood.

Mr. Formosa added that they went through a lot of potential clients, and he has talked to some of the neighbors, and it seems like this will be a perfect fit. Mr. Formosa stated that he would like to add that Kelly and Michelle in the Engineering Department have been a great help.

Member Nevin asked if this has been cleared with the Fire Department. Mr. Formosa replied that he informed them back when the front was inspected, he corrected the violations, and is in good shape. Mr. Formosa stated that the Fire Inspector requested a plug to be changed. Member Nevin stated that some of the vehicles will have gas in them. Mr. Formosa stated that he talked to the Fire Department and he would be subject to inspection at any time. Member Nevin asked if there is anything pending now. Mr. Formosa stated that he will have an inspection if it is required.

Member Trupiano asked if there would be fire protection since there will be fuel in the vehicles, and is the warehouse sprinkled. Mr. Formosa replied no, but they have fire protection through Wyandotte Alarm. Member Trupiano asked if his insurance company is aware of this. Mr. Formosa replied yes.

No communications were received regarding this appeal.

Appeal #3339

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

Dan Martin, owner & appellant, participated.

Mr. Martin explained that he was denied the walk up food service due to Section 1300 and asked if there was a Board Member that could explain it more specifically. Chairperson Duran stated that a walk up food establishment is not an allowable use, the only way it would be allowed is if this variance request is granted by the Zoning Board.

Mr. Martin explained that the building has been there since 1918, and there is a total of 370 square feet, 160 square feet of that is the first floor, and it would make it economically feasible concept to have a walk up window for food service. Mr. Martin continued that inside the building is about the size of a food service truck, there would be major alterations and he reached out for thoughts, and the main concern people was worried

about was changing the appearance. He is going to keep the upper bay window as is, the 2 sliding windows in the lower so that food could be passed and the lower would be a counter. It would essentially remain as is.

Mr. Martin stated that Section 1300 does not allow a drive thru, and this is not. You will order food and it will be handed out.

Member Olsen asked what type of food would be served. Mr. Martin replied that he is flexible, and whatever the market demands, a soup, sandwich and dessert. Mr. Martin added that there will be vent free equipment. Member Olsen asked if there would be a fryer. Mr. Martin replied that there is no intention for a deep fryer, maybe an auto fryer. There is no intention for hoods, basically soup and sandwiches.

Member Nevin asked if the food will already be prepared and they will just pass out. Mr. Martin replied that the food will be prepared in the building. Member Nevin asked if there would be tables out front like the ice cream shop. Mr. Martin replied that the easement is controlled by Wayne County and he could take that issue up them and added that likely he would put tables and chairs out for the public.

Member Trupiano asked if the 2nd floor will be office space. Mr. Martin replied yes, it is not conducive for the public, it will be used for storage or office space, there is not a lot of square footage.

Mr. Martin added that the only thing is to generate enough revenue to make economic since.

Member Gillon asked about the safety business that is there now. Mr. Martin replied that he as a business in Romulus and will be running that out of there.

Mr. Martin stated that Section 1300 allows a walkup ATM also a drive thru bank, a feels that vehicles being driven across the walk is the problem, but this business will be a walk up only.

No communications were received regarding this appeal.

Appeal #3340

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

Jennifer Rainey, appellant, present.

Ms. Rainey explained that she would like to open a business for serving nutritional shakes and teas, it will be 90% carry out, 1-2 employees in the building, there are 3 parking spots in the rear, and 3 spots on the side street.

Chairperson Duran asked if there would be tables for customers. Ms. Rainey replied possibly one or 2. Chairperson Duran asked the hours of operation. Ms. Rainey replied 7-7, Monday through Friday and 9-5, Saturday and Sunday.

Ms. Rainey added that employees will park in the rear, and the back half of the building will be used for storage and a rest room.

Chairperson Duran commented that a communication had been received from a neighbor, Ms. Northrop, inquiring about the hours, seating and employees. Ms. Rainey stated that customers will be there 5 to 10

minutes, tops. Chairperson Duran asked if Baumeys was a one way or two way street at that location. Ms. Rainey replied two way.

Karen Northrop, 1205 23rd, participated.

Ms. Northrop expressed concern about the Heltee Party Store there now, the cars with the loud radios and the parking. Ms. Rainey stated that she understands, her customers are respectful and she tries to have a good relationship with the neighborhood. Ms. Northrop expressed concern about the trash from the party store. Ms. Rainey explained that her clientele will mostly be stopping in for breakfast, and she will keep check of the area to make sure that trash is not a problem.

Member Trupiano asked Ms. Rainey if she has a similar business in Southgate. Ms. Rainey replied that she does work at one, and this will be a sister location. Ms. Rainey added that the busiest times will be 7:30-9, and 11:30-1.

One communication was received in opposition to this appeal.
One communication was received with concerns.

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ZB
1-6-21

✓
Received
1-4-21

December 26, 2020

City of Wyandotte
Zoning Board of Appeals and Adjustments
3200 Biddle Ave., Wyandotte, MI 48192
RE: Appeal #3340

Dear members of the Zoning Board,

Regarding the variance of Wyandotte Zoning Ordinance, Section 2403.R.3.N for additional parking spaces for the establishment at 1201 Fort Street, Wyandotte, Michigan, I would like to express my opinion.

Upon reviewing the proposed variance, **I would be in opposition to this appeal.**

Reasons of concern is due to the extremely limited spaces for any business in that quadrant, so additional parking of cars would infringe upon parking availability for residents' homes in the area and that is not desired or welcomed. There is already enough traffic and parked cars from the Heltee Pantree party store, 1103 Fort St., Wyandotte, on the north corner of Baumeys and Fort St., to warrant this opposition.

Thank you for the opportunity to express my opinion.

Sincerely,

Annette Sebestin

Annette Sebestin
1086 23rd Street
Wyandotte, MI

Peggy Green

8 of 8

From: Peggy Green
Sent: Monday, January 04, 2021 8:16 AM
To: 'Karen Northrop'
Subject: RE: zoning 1201 fort st
Attachments: VIRTUAL MEETING INFORMATION FOR MAILINGS.doc

ZB
1-6-21

Please call in to participate in the meeting and the appellant can be asked these questions at that time. Information is attached.

Thank you.

From: Karen Northrop [mailto:ksn602@yahoo.com]
Sent: Saturday, December 26, 2020 10:21 AM
To: Peggy Green
Subject: zoning 1201 fort st

Hello,

I am responding to the zoning letter you sent out. Glad to have a new business in Wyandotte.

I have a few questions.

1. What will the hours of business be?

I have concerns if there are very early or very late hours, the noise from parking in our neighborhood

would increase. We already have the late night cars with loud music and reeving engines at the corner with the liquor store, not to mention the trash they leave behind.

2. Will there be indoor seating?

This will increase the number of people parking in the neighborhood. Carry out only, will help with limiting long term parking and lack of spaces.

3. How many employees will be working at a time? If they only have 3 spaces total, where will employees park?

Thank you for the opportunity to voice my concerns

Sincerely,

Karen Northrop
1205 23rd

1-4-21

Spoke with Ms. Northrop.

She will call in for mtg.

However, she stated she is unfamiliar with this type of meeting.