

MINUTES AS RECORDED

**MINUTES OF THE MEETING OF September 1, 2010
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: Alderman
DiSanto
Duran
Gillon
Nevin
Trupiano

MEMBERS ABSENT: Cusson, Lapp, Olsen

ALSO PRESENT: Mayor Peterson, Peggy Green-Secretary

A motion was made by Member Nevin, supported by Member Trupiano to approve the minutes of the August 4, 2010, meeting with the correction that Member Olsen was absent.

Yes: Alderman, DiSanto, Duran, Gillon, Nevin, Trupiano

No: none

Abstain: none

Absent: Cusson, Lapp, Olsen

Motion passed

#3114 - GRANTED

Dennis & Nancy Ross, 535 Emmons, Wyandotte (owner & appellant)

for a variance to obtain an addendum to Building Permit #10-870 for an enclosed structure over existing hot tub at 535 Emmons (Lot 216, Emmons Orchard Sub.) in a RA zoning district, where the proposed conflicts with Section 2100 of the Wyandotte Zoning Ordinance.

SECTION 2100:

A maximum of 35% of the lot area is allowed to be covered with structures. Existing gazebo results in the allowable lot coverage being exceeded by 106 square feet.

Proposed will be in harmony with the appropriate and orderly development of the district in which it is situated and does not impair the purpose or intent of the ordinance.

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

Yes: Alderman, DiSanto, Duran, Gillon, Nevin, Trupiano

No: none

Abstain: none

Absent: Cusson, Lapp, Olsen

Motion passed

#3115 - GRANTED

Carol Palczesny, 1450 – 16th Street, Wyandotte (owner & appellant)

for a variance **to obtain a Certificate of Occupancy for a party store at 1753 Ford** (Lots 2, 3 and 4, West Park Sub.) in an O-S zoning district, where the proposed conflicts with Section 1100 of the Wyandotte Zoning Ordinance.

SECTION 1100:

Which does not list a party store as a principal use permitted

Proposed will be in harmony with the appropriate and orderly development of the district in which it is situated and does not impair the purpose or intent of the ordinance.

A motion was made by Member Gillon, supported by Member DiSanto to grant this appeal.

Yes: Alderman, DiSanto, Duran, Gillon, Nevin, Trupiano

No: none

Abstain: none

Absent: Cusson, Lapp, Olsen

Motion passed

#3116 – GRANTED w/stipulations

William Branson, 2223 – 2nd Street, Wyandotte (owner & appellant)

for a variance **to obtain a Certificate of Occupancy for a front yard chainlink fence at 2223 – 2nd Street** (Lot 1, Block 63) in a RT zoning district, where the proposed conflicts with Section 2406.A.1 of the Wyandotte Zoning Ordinance.

SECTION 2406.A.1:

Which states that a residential fence may be erected in a required front yard when the side lot line is adjacent to a street, as is the case here, and that the fence cannot

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

Stipulations: Fence to be no closer than 12" to the public sidewalk. There is to be a 45 degree angle at the corner (6' off corner in each direction). Fence to be vinyl coated, 4' high, open style.

A motion was made by Member Gillon, supported by Member DiSanto to grant w/stipulations this appeal.

Yes: Alderman, DiSanto, Duran, Gillon, Trupiano

No: none

Abstain: Nevin

Absent: Cusson, Lapp, Olsen

Motion passed


COMMUNICATIONS:

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

OTHER BUSINESS:

none

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 October 6, 2010.**



Peggy Green, Secretary

Appeal #3114

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

Dennis Ross, owner, present.

Mr. Ross explained that the gazebo and hot tub was installed in July 2006. He had a pool there previously with a deck, which took up about 400 square feet, the gazebo is 100 square feet, he donated the pool to a church. The neighbors have complimented him. He has added landscaping, there is more green space now. Mr. Ross continued that he has invested about \$12,000 into this project, and if he thought that he had needed a permit, he would have got one, he would hate to have to take this down now.

Member Trupiano asked Mr. Ross if he had a variance for the addition on the house. Mr. Ross replied that the addition was there when he purchased the home in 1979.

Member Gillon asked how this all came about. Mr. Ross replied that he received a letter, not sure how it all came up, but he went and applied for the permits. Member Gillon asked if the electrical has been approved. Mr. Ross replied yes.

Member DiSanto asked if the gazebo was fastened to the ground. Mr. Ross replied that it is on patio blocks, and if he is granted tonight, he will then go in front of the Building Board.

Member Nevin and Mr. Ross discussed the location of the gazebo. Member Nevin asked if it was made out of treated wood. Mr. Ross replied yes, treated cedar. Member Nevin commented that it looked like it was close to the garage.

Three (3) communications were received in favor of this appeal.
One (1) communication was received from DTE.

Appeal #3115

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

Carol Palczesny, owner, present.

Ms. Palczesny explained that she has owned the business for 23 years. It was a pharmacy and a party store before. She has been trying to sell it for 2 years and now she has a purchaser. She did not know about the zoning until she went to sell it. Ms. Palczesny added that her purchaser has been approved by the bank.

Member DiSanto asked if the only intent was to occupy it as a party store. Ms. Palczesny replied yes.

Member Gillon asked why she had closed. Mr. Palczesny replied that in 2008 when the road was closed, it really hurt the business. Member Gillon asked if there was a liquor license. Ms. Palczesny replied there is a beer and wine license. Member Gillon asked if she was selling that with the business. Mr. Palczesny replied yes.

Purchaser, present.

The Purchaser explained that he was ready to buy the store and wants to open it as a party store and added that he owns another one in Westland.

William Branson, 2223 – 2nd Street, present.

Mr. Branson stated that he grew up across from this store, it was very convenient, and he would like to see businesses stay in Wyandotte.

Mayor Joseph Peterson, Wyandotte.

Mayor Peterson stated that Ms. Palczesny had approached a Council Meeting and he is at the Zoning Board meeting to show support. The store had always been a clean and professional store, but went through tough times in 2008, and not knowing the ordinance, Ms. Palczesny had closed the store for over 6 months. If she had known the ordinance, she would have tried to keep it open. Mayor Peterson continued that he lives at 5th and Vinewood, and he was lost when the store closed there. Mayor Peterson added that the

buyer wants to mirror the store that was there. Mayor Peterson added again that Ms. Palczesny had no knowledge of the 6 months.

Chairperson Duran stated that the Planning Commission had denied Ms. Palczesny's request because it would have been spot zoning, and the next step was the Zoning Board.

Dan Galeski, 1717 Superior, Wyandotte, present.

Mr. Galeski stated that in the late 1950's and early 1960's he delivered pop to this store, it was one of his stops. Mr. Galeski discussed the different businesses that had been in this location. Mr. Galeski stated that sometime the zoning was changed, and no one can tell him when it was changed. Mr. Galeski stated that Ms. Palczesny has a buyer, and he encourages the Board to grant her appeal.

One (1) communication was received in support of this appeal.

One (1) communication was received from DTE.

Appeal #3116

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

William Branson, owner, present.

Mr. Branson explained that when he applied for this appeal he thought that it was for the front yard fence. He did not know that the chainlink was the issue. Mr. Branson stated that he has a cedar fence in the rear and wants to put up a black coated chainlink fence no higher than 4', with sturdy piping, and he will stay 1' off the sidewalk. His biggest issue was visibility, and it will be located 6' from the corner. Mr. Branson stated that the fence has a 25 year warranty.

Member Nevin asked if he had thought about something different to add beautification since this was a large piece of property. Mr. Branson replied that a top quality vinyl fence is quite costly. Mr. Branson added that a big issue is his nephew next door, he is autistic, and they want a play area for him. Mr. Branson added that this is a nice looking fence, not typical. He is doing the best he can in his budget.

Member DiSanto commented that Mr. Branson has supplied detailed information at this meeting and also the last meeting that he had attended, and Mr. Branson has made improvements to the house.

Member DiSanto asked why the sod was cut back 4'. Mr. Branson replied that he will be putting in a flower bed or ground cover. Member DiSanto asked if he was putting landscaping by the sidewalk. Mr. Branson replied no, there are some undesirables in the neighborhood. Member DiSanto commented that he is glad that Mr. Branson is taking into consideration his neighbors visibility.

Member Gillon complimented Mr. Branson on his improvements, and added that this is a unique piece of property, and that is why the Zoning Board exists and is glad to see that the fence will be 1' off the sidewalk.

Member Trupiano commented that the house looks great and the improvements mean a lot to the City. Member Trupiano commented that he was not in favor of chainlink, the ordinances are for a purpose, and financial is not one of them, but Mr. Branson has made some good points, and he feels that the fence is an improved design, and sees good argument to grant the appeal.

Member Alderman stated that the property looks good, and he has seen the fence Mr. Branson is requesting, and it is a quality fence.

Edward Adams, 2130 – 2nd Street, present.

Mr. Adams stated that when he received the letter, he was not sure what Mr. Branson wanted. Mr. Branson has made great improvements to the house, and he does not see why the fence would take away from the neighborhood. He thinks the fence would look good and has no objection.

One (1) communication was received from DTE.

Zoning BOARD
9-1-10

RECEIVED
8-2-10

3114

7 OF 13

July 29, 2010

Zoning Board of Appeals
3131 Biddle Avenue
Wyandotte, Michigan 48192

REGARDING: 535 Emmons
Wyandotte, Michigan 48192

Please be advised that the undersigned lives a short distance from Mr. Ross and has viewed the whirl pool structure in Mr. Ross's back yard.

Said structure not only enhances the backyard, but complements his entire home. In addition the structure has a solid foundation and is constructed with Impeccable carpentry skills.

I urge you to draw upon your professional knowledge and understanding of the Issues and grant Mr. Ross a variance on said structure in view of its uniqueness and none invasive nature of the neighboring property.

Sincerely yours,

William R. Griggs
William R. Griggs

454 Kings Hwy
Wyandotte, Michigan 41892

RECEIVED
8-18-10

7-16-10

APPEAL #3114 80FB

To Whom It MAY Concern:

Zoning Board
9-1-10

3114


I Joseph M. ANDring
HAVE no problem with my neighbors
hot tub. And additionally for a
variance.

Joseph M. Andring
538 Kings Hwy
283-1568

Re:

DENNIS + NANCY ROSS
535 Emmons Blvd

ZONING BOARD
9-1-10

9 OF 13
DTE Energy

3114

August 18, 2010

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

RE: Appeal #3114: A variance to obtain an addendum to Building Permit #10-870 for and enclosed structure over existing hot tub at #535 Emmons (Lot #216, Emmons Orchard Subdivision) in a 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. 3114 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,



Eddie A. Reyes
Senior Drafter
Data Integrity and Technology

EAR/
Enclosure

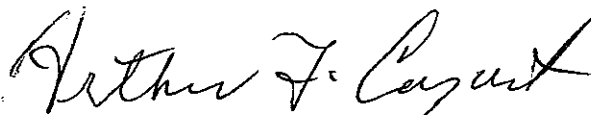
Zoning Board
9-1-10

10 OF 13
✓ RECEIVED
9-1-10

August 27, 2010

To Whom It May Concern:

I have no objection to the gazebo enclosure my neighbor's at 535 Emmons Blvd. have in their back yard around their hot tub. It is a well-maintained area and actually enhances the landscape of their property.



Arthur Cozart
547 Emmons Blvd.
Wyandotte, MI 48192

OFFICIALS

William R. Griggs
CITY CLERK

Andrew A. Swiecki
CITY TREASURER

Colleen A. Keehn
CITY ASSESSOR

Zoning Board
9-1-10



JOSEPH R. PETERSON
MAYOR

11 OF 13

COUNCIL
Tod M. Browning
James R. DeSana
Sheri M. Sutherby-Fricke
Daniel E. Galeski
Leonard T. Sabuda
Lawrence S. Stec

#3115
RECEIVED
8-26-10

August 25, 2010

Barbara Duran, Chairperson
and Members of the Zoning Board of Appeals
3131 Biddle Avenue
Wyandotte MI 48192

Dear Zoning Board Members:

I am writing to you relative to Appeal #3115, a request from Carol Palczesny for a variance to obtain a Certificate of Occupancy for a party store at 1753 Ford Avenue.

This building had similar uses for many years, including Knopp Pharmacy and most recently, another party store. Ms. Palczesny has an opportunity to sell this building, but only if the past use is allowed to continue.

Any consideration you may be able to give the owner in granting her request for a variance will be very much appreciated.

Sincerely,

Joseph R. Peterson
Mayor

ZONING BOARD
9-1-10

12 OF 13
DTE Energy



3115

August 18, 2010

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

RE: Appeal #3115: A variance to obtain a Certificate of Occupancy for a party store at #1753 Ford Road, in an O-S 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

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Sincerely,

Eddie A. Reyes
Senior Drafter
Data Integrity and Technology

EAR/
Enclosure

ZONING BOARD
9-1-10

13 OF 13
DTE Energy



3116

August 18, 2010

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

RE: Appeal #3116: A variance to obtain a Certificate of Occupancy for a front yard chainlink fence at #2223-2nd Street, in a RT 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

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Eddie A. Keyes
Senior Drafter
Data Integrity and Technology

EAR/
Enclosure