

**MINUTES AS RECORDED**

**MINUTES OF THE MEETING OF March 2, 2011  
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  
DiSanto  
Duran  
Flachsmann  
Nevin  
Olsen

**MEMBERS ABSENT:** Alderman, Gillon, Trupiano

**ALSO PRESENT:** Peggy Green, Secretary

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A motion was made by Member Olsen, supported by Member Nevin to approve the minutes of the January 5, 2011, meeting.

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

No: none

Abstain: none

Absent: Alderman, Gillon, Trupiano

Motion passed

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**#3123 - GRANTED**

Samuel & Tabitha Hart, 238 Oak Street, Wyandotte (owner & appellant)

for a variance to obtain a mechanical permit for mechanical equipment to be located in a sideyard at 238 Oak Street, W ½ of Lot 11, Block 84, in an OS zoning district, where the proposed conflicts with Section 2402.L of the Wyandotte Zoning Ordinance.

**SECTION 2402.L:**

Which states the installation of mechanical equipment shall be located behind the dwelling and not closer than five (5) feet from the property line, where the proposed condenser would not be behind the dwelling and would be approximately one (1) foot from the property line.

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

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

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

No: none

Abstain: none

Absent: Alderman, Gillon, Trupiano

Motion passed

**#3124 - TABLED**

Carol Terpak, Power of Attorney for Sally Nasarzewski, (owner & appellant),  
13856 Hamilton, Riverview

for a variance to obtain a **Certificate of Occupancy for a two family dwelling at 1544 Elm**, W ½ of Lot 55, also Lot 56, Steel Plant Sub, in a RA zoning district, where the proposed conflicts with Section 400 of the Wyandotte Zoning Ordinance.

**SECTION 400:**

Which does not list a two (2) family dwelling as a principal use permitted in a RA zoned district.

**Tabled until the April 6, 2011, meeting so that more Board Members will be present to vote on the appeal.**

A motion was made by Member DiSanto, supported by Member Olsen to table this appeal.

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

No: none

Abstain: none

Absent: Alderman, Gillon, Trupiano

Motion passed

**#3125 - GRANTED**

Allen J. Tackett, 24416 Scott Street, Dearborn (appellant) and Les Braverman, Fort St. LLC, 3509 Biddle, Wyandotte (owner)

for a variance to obtain a **Certificate of Occupancy for a martial arts studio at 3147 Fort Street**, Lot 434 exc. The E 20' thereof, Assessor's Wyandotte Plat #12, in a B-2 zoning district, where the proposed conflicts with Section 2403.R.3.y of the Wyandotte Zoning Ordinance.

**SECTION 2403.R.3.y:**

Proposed martial art studio, which is similar to studio, dance, music and other similar spaces of instruction requires 1 parking space for each 150 square feet of usable floor area or 7 parking spaces. There are 4 spaces at rear, 2 allotted for

the 2 upper apartments and 1 for the retail use at 3153 Fort. A minimum of 10 spaces are required for the complex and 4 are provided, for a total deficiency of 6 spaces.

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

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

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

No: none

Abstain: none

Absent: Alderman, Gillon, Trupiano

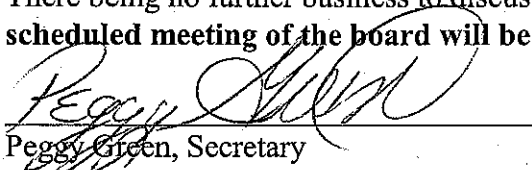
Motion passed

#### **COMMUNICATIONS:**

A motion was made by Member Cusson to place all communications on file. Motion carried.

#### **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 April 6, 2011.**

  
Peggy Green, Secretary

#### **Appeal #3123**

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

Samuel & Tabitha Hart, owner and appellant present.

Mrs. Hart explained that they had purchased the property and the furnace and air conditioner had been removed, and they had paid to have it replaced. The air conditioner unit was installed where the previous air conditioner had been located. They want to leave it there, it is 1' from the lot line and 18" from the neighbors house. Mrs. Hart added that it is a very narrow lot.

Mrs. Hart passed out pictures to the Board.

Chairperson Duran read a letter that was received in opposition to this appeal.

Mrs. Hart added that the field sheets shows that an air conditioner was located on the property. Mrs. Hart continued that they have an addition on the rear of their home, and the air conditioner is located in back of the addition, 1' from the lot line.

Member Cusson asked if they used a licensed contractor. Mrs. Hart replied yes. Member Cusson asked if the contractor obtained permits. Mr. Hart replied that a permit was secured for the furnace and not the air conditioner, and when he went to get the permit, he found out that he could not put the air conditioner where the old one was.

Member DiSanto asked if the existing lines were used. Mr. Hart replied yes. Member DiSanto asked if the contractor pulled a permit. Mr. Hart replied for the furnace, then they found out that the air conditioner was all messed up. Member DiSanto asked why they could not put it in the proper location. Mr. Hart replied that it would be in the middle of the walk way, they would have to cut through the crawl space, and it would be an additional \$500.

Member Olsen asked if from the back door to the east was all sidewalk. Mr. Hart replied yes.

Member Nevin asked when the air conditioner unit was installed. Mr. Hart replied November 2010. Member Nevin commented that it has not even run in the summer yet. Mr. Hart stated no it had not, and added that it was energy efficient.

One (1) communication was received in opposition to this appeal.  
One communication was received from DTE regarding this appeal.

#### **Appeal #3124**

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

Carol Terpak, Power of Attorney, representing her mother (owner) Sally Nasarzewski. (Carol Terpak's husband was also present).

Mrs. Terpak explained that when her father purchased the house in 1966, there was a lady that lived upstairs, then in 1997 her Dad could not deal with anymore renters and did not want to pay the alley assessment, and changed it to a single family. Mrs. Terpak stated that now she wants to change it back to a two family to sell it.

Mrs. Terpak presented pictures to the Board of the house and the upper unit. Mrs. Terpak stated that it was built as a separate apartment. There is a separate electric service. Mrs. Terpak stated again that she wants to sell it as a multiple.

Chairperson Duran asked if the house was vacant now. Mrs. Terpak replied yes.

Member Flachsmann stated that the area the house is in is zoned for single family dwellings and Wyandotte has worked hard on zoning, and now they are asking to change it to a nonconforming use. Member Flachsmann stated that he had went to the Engineering Department to view the file on the property, and it was built as a single family in 1952, then in 1957 the Zoning Board granted it to be used as a two family, then in 1997 it was changed back to a single family, which is conforming.

Mrs. Terpak added that her Dad changed it to a single family in 1997.

Mr. Terpak stated that there is a separate entrance to the upstairs, he does not know how they would convert it back to a single family, there is a separate entrance, and he does not know how it can be considered a single family.

Member Flachsmann commented that it was changed to a single family because of an alley assessment.

Mrs. Terpak stated that there was an older lady that lived upstairs in 1966, then a younger one moved on, and her father did not like the noise, so it had been vacant for 10 years before he changed it to single family.

Member Olsen asked how many bedrooms are downstairs. Mrs. Terpak replied 2. Member Olsen commented that the house next door sets back on the lot, and there might be a parking issue. Mr. Terpak explained that there is a paved parking spot of the alley, plus there is a 24' garage, in addition to the street parking.

Member DiSanto asked if the pictures presented to the Board was the current condition of the unit. Mrs. Terpak replied yes. Member DiSanto asked if power was shut off upstairs. Mr. Terpak replied yes. Member DiSanto asked how the dwelling was being taxed. Mrs. Terpak replied she assumed a single. Mr. Terpak added that his mother-in-law lived there until recently and paid the taxes. Member DiSanto asked if there was a separate water meter. Mr. Terpak replied no, but added that there is an additional gas heater in the upper unit. Member DiSanto asked if a tenant would have access to the basement. Mr. Terpak replied no.

Member Cusson discussed the pictures and commented that one of the bedrooms on the lower level would have to be removed if the appeal was not granted to make access to the upper unit.

Member Flachsmann asked what is underneath the stairs going to the upper unit now. Mr. Terpak replied the basement stairs.

Member DiSanto asked if the upon sale inspection had been done yet. Mrs. Terpak replied no, they were waiting until after the meeting.

One (1) communication was received in favor of this appeal  
One communication was received from DTE regarding this appeal.

#### **Appeal #3124**

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

Les Braverman (owner) and Allen Tackett (appellant) present.

Mr. Braverman explained that he has 230' of public parking, and there is nothing from his building to the corner, and he has gotten variances before when he came before the board for parking. Mr. Braverman continued that Mr. Tackett was using about 300 square feet of area for classes that will be 45 minutes long, 3 days a week. Mr. Braverman stated that he did not know what to do with the building, no parking is a hardship.

Chairperson Duran asked Mr. Tackett if he has another location. Mr. Tackett replied yes, in Dearborn Heights, and the Wyandotte location would be a satellite school. Chairperson Duran asked the hours, Mr. Tackett replied 5:30 to 9:00 p.m.

Member Nevin asked if the 2 upper apartments were occupied. Mr. Braverman replied yes. Member Nevin asked about the other lower unit. Mr. Braverman stated that it was a card shop. Member Nevin asked about the card shop parking. Mr. Tackett replied that there is 1 out front, and 1 in the rear, and added that there are 4 designated parking spaces in the rear.

Member Flachsmann asked Mr. Tackett if he would be teaching children or adults. Mr. Tackett replied both. Member Flachsmann asked how many in each class. Mr. Tackett replied 15-20 children per class, and 10-15 adults per class. Member Flachsmann asked if the parents stays or drop off the children. Mr. Tackett replied that most drop off, some may stay, he has 4 or 5 seats. Member Flachsmann asked if the adult class was later. Mr. Tackett replied yes, the children class 5:30 up to 7, adults after 7.

Member Olsen asked what days are the classes. Mr. Tackett replied tentatively Monday, Wednesday, and Friday. The Dearborn Heights classes are Tuesday, Thursday and Saturday. Mr. Tackett added that the Card Castle is closed Wednesday and Friday.

Member Cusson stated that there will a parking problem, and suggested that he could use the parking lot at the drug store, but the Board can not technically tell you to do that.

Ann Oraczo, Action Auto Wash, 3157 Fort, present.

Ms. Oraczo stated that she does have concerns, now with the apartments and card shop, there are 2 parking spaces in front, but 3 park there and overhang where the car wash exits.

Ms. Oraczo stated that there is no drop off point, people pull up at the exit to the car wash and drop off kids when cars are exiting the car wash and she is concerned about that, they are not thinking about safety. There are 4 parking spots in the rear and front that are now being used, and there is no parking now. Now there will be 2 drop off businesses with a business with continuing flow of traffic next door.

Member DiSanto asked what time the car wash closes. Ms. Oraczo replied 7:00 – 7:30 pm.

Member Nevin asked if she has every petitioned for signage. Ms. Oraczo replied no, but that is a thought. Ms. Oraczo added that there has never been an accident, but she can see an issue with the kids being dropped off.

Member DiSanto informed Ms. Oraczo that the State is planning reconstruction of Fort Street, and she could contact the state and request that a bull nose at that area could be installed, maybe MDOT could help.

Member Flachsmann stated that this should also be addressed by the Engineering and Police Department. Ms. Oraczo could also call MDOT to see if they could configure something to help solve the problem.

Ms. Oraczo added that it is an issue where they will park all the cars, and she feels she has valid concerns.

No communications were received regarding this appeal.  
One communication was received from DTE regarding this appeal.

**Zoning Board**  
**3-2-11**

**DTE Energy**



**80F18**

January 21, 2011

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

**RE: Appeal #3123: A variance to obtain a Mechanical Permit for a Mechanical equipment to be located in a side yard at #238 Oak Street, in a OS 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. 3123 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**  
**3-2-11**

**DTE Energy**



**9 OF 18**

February 17, 2011

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

**RE: Appeal #3123: A variance to obtain a Mechanical Permit for a Mechanical equipment to be located in a side yard at #238 Oak Street, in a OS Zoning district.**

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Sincerely,

Eddie A. Reyes  
Senior Drafter  
Data Integrity and Technology

EAR/  
Enclosure



**Zoning Board**  
**3-2-11**

**10 OF 18**

www.NeilDeBlois.com  
Neil@NeilDeBlois.com

**NEIL C. DeBLOIS**  
ATTORNEY AT LAW

13305 REECK ROAD • SOUTHGATE, MICHIGAN 48195

(734) 281-2900 • (866) 960-8219  
FAX To Email: (734) 407-5056

January 28, 2011

Zoning Board of Appeals and Adjustment  
City of Wyandotte  
3131 Biddle Avenue  
Wyandotte, MI 48192

✓ RECEIVED  
1-31-11

Re: Appeal #3123 - 238 Oak, Wyandotte, MI  
Public Hearing Date: Wednesday, February 2, 2011

Dear Sir/Madam:

Please be advised that I represent Gregory and Kendra Johnson, who reside at 230 Oak Street, immediately adjacent to the property subject to the above-referenced appeal. Mr. and Mrs. Johnson object to the granting of a variance. Enclosed for reference is a photograph taken recently showing the proximity of the two houses. These homes are already much closer together than current ordinances permit. The distance between the two houses is approximately 36 inches total. The proposal to waive the normal additional five foot setback would place the air conditioning unit within inches of the lot line and immediately adjacent to the Johnson's patio area. The Johnsons believe this will disturb their quiet enjoyment of their property.

In addition, there appears no legitimate basis for the city to grant a variance for the reasons stated by the applicant. Section 2704(C)(1) requires a showing that due to "extraordinary or exceptional conditions" of the property, a strict adherence to the code would "result in peculiar or exceptional practical difficulties". It appears the primary reason for the variance request is financial. Apparently the prior owner illegally placed an air conditioning unit and the current owner finds it less expensive to leave the air conditioning unit in its illegal location. The applicant makes no claim of extraordinary or exceptional conditions or that peculiar or exceptional difficulties will arise if he is required to follow the zoning ordinance.

For these reasons, Mr. and Mrs. Johnson request the appeal be denied.

Very truly yours,

  
Neil C. DeBlois

NCD:mm  
Enclosure

cc: Mr. and Mrs. Johnson

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3-2-11

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#3123

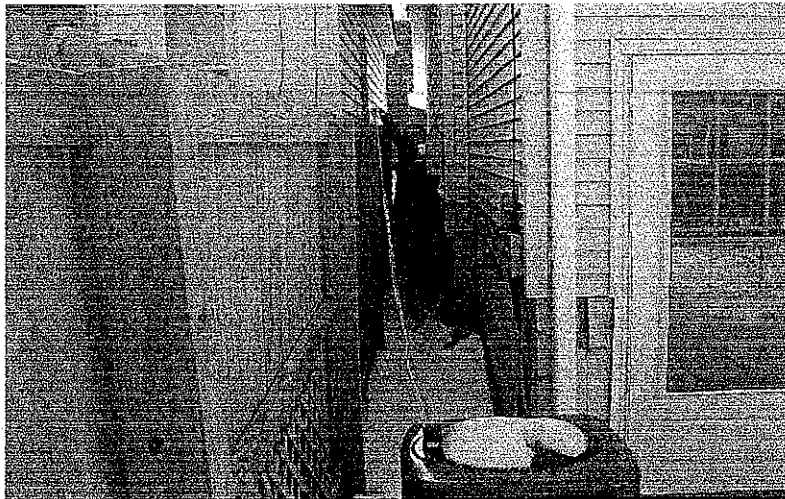
Zoning Board  
3-2-11

REAR VIEW 238 OAK

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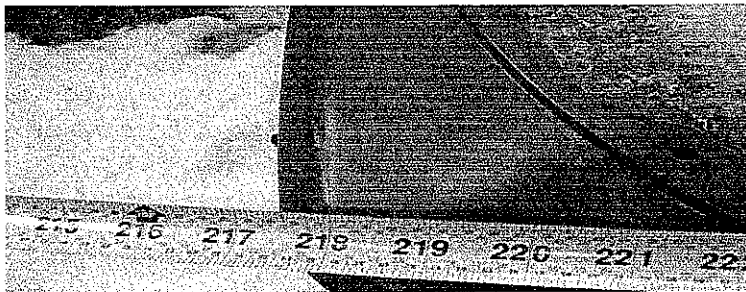


DISTANCE FROM A/C TO BACK WALL OF HOUSE NEXT DOOR



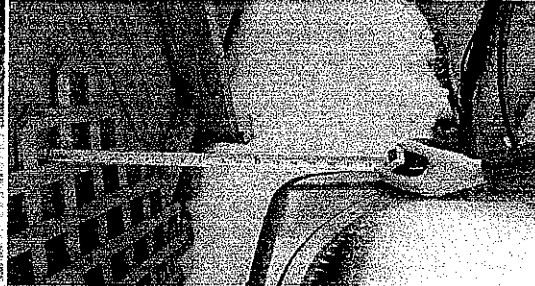
# 3123

MEASURED DISTANCE FROM BACK WALL OF HOUSE TO A/C

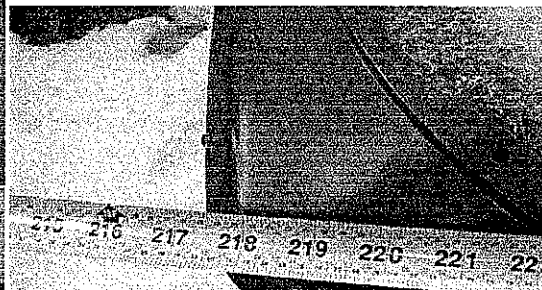


Zoning BOARD  
3-2-11

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#3123



**Zoning Board**  
**3-2-11**

**DTE Energy**



**14 OF 18**

February 17, 2011

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

**RE: Appeal #3124: A variance to obtain a Certificate of Occupancy for a two family dwelling at 1544 Elm Street, in 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

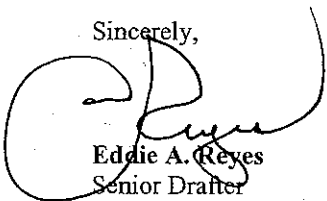
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**Michcon Gas Leak Emergency Phone Number: 1- 800 - 947 - 5000.**

Sincerely,

  
Eddie A. Reyes  
Senior Drafter

Data Integrity and Technology

EAR/  
Enclosure

Zoning Board

3-2-11

2-28-11

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TO THE ZONING BOARD OF APPEALS  
AND ADJUSTMENT OF THE CITY OF  
WYANDOTE. FOR A VARIANCE TO  
OBTAIN A CERTIFICATE OF OCCUPANCY  
FOR A TWO FAMILY DWELLING AT  
1544 ELM, W<sup>1</sup>/<sub>2</sub> OF LOT 55, ALSO  
LOT 56, STEEL PLANT SUB, IN A  
RA ZONING DISTRICT, WHERE THE  
PROPOSED CONFLICTS WITH SECTION 400  
OF THE WYANDOTE ZONING ORDINANCE.

I LIVE AT 1543 OAK ST MY NAME  
IS MARY WIERZBA AND I AM IN  
FAVOR OF THE REQUEST BEING MADE.

THANK YOU,

Mary R. Wierzba

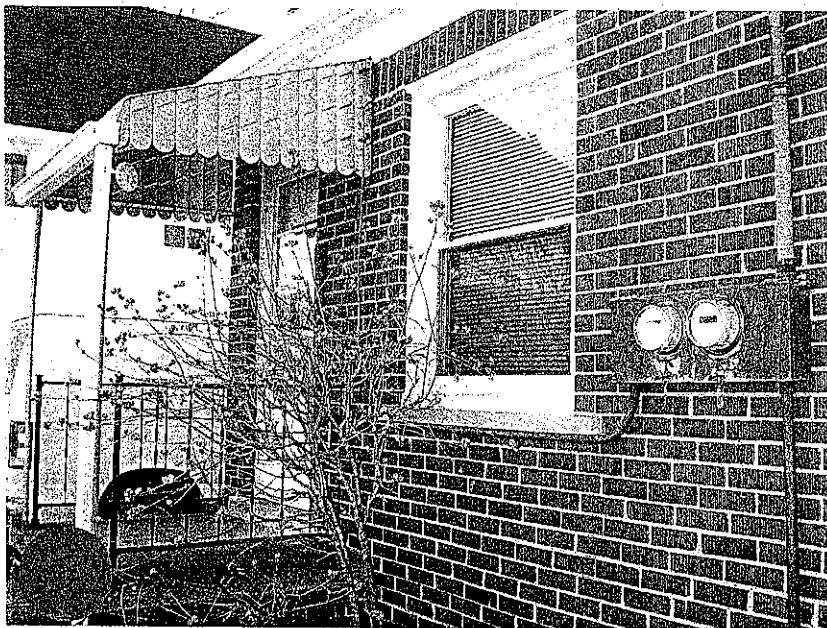
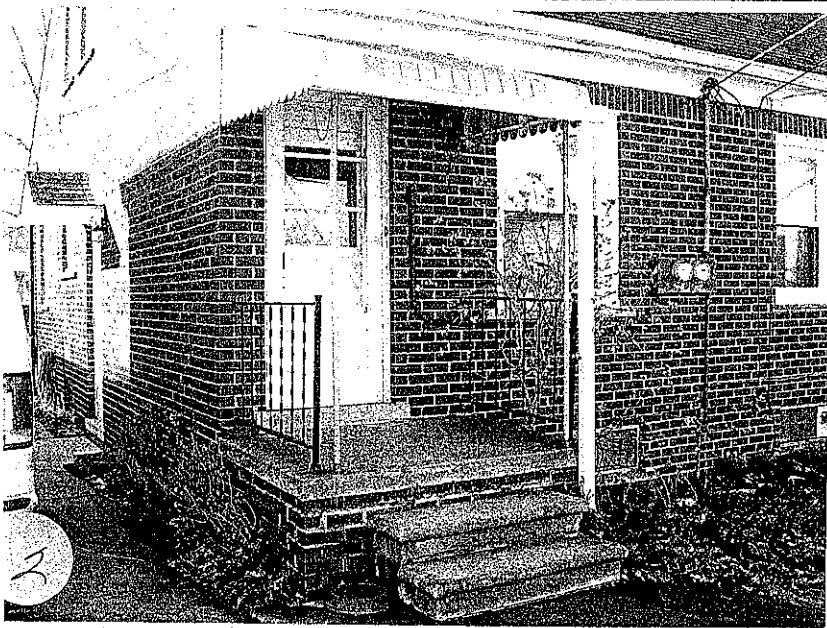
1543 OAK

RECEIVED 2-28-11 AER APPRA # 3124



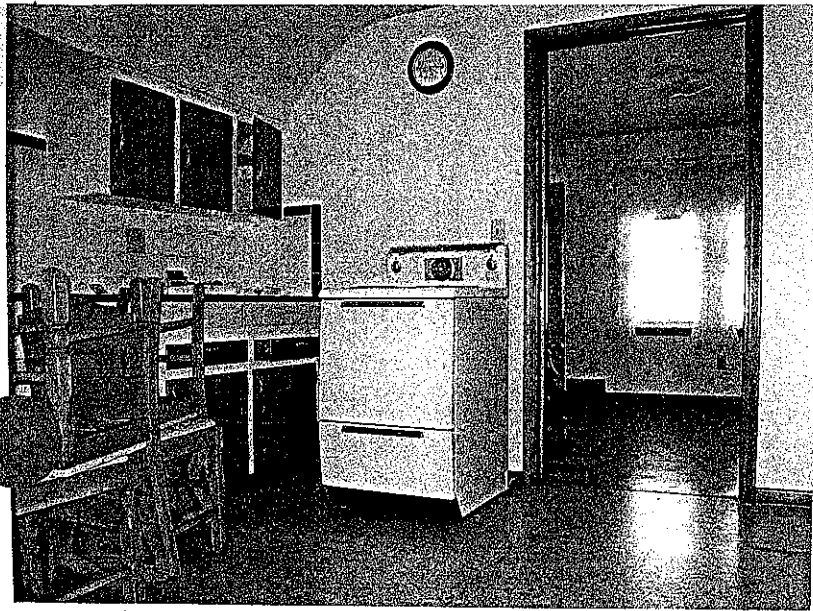


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Zoning BOARD  
3-2-11



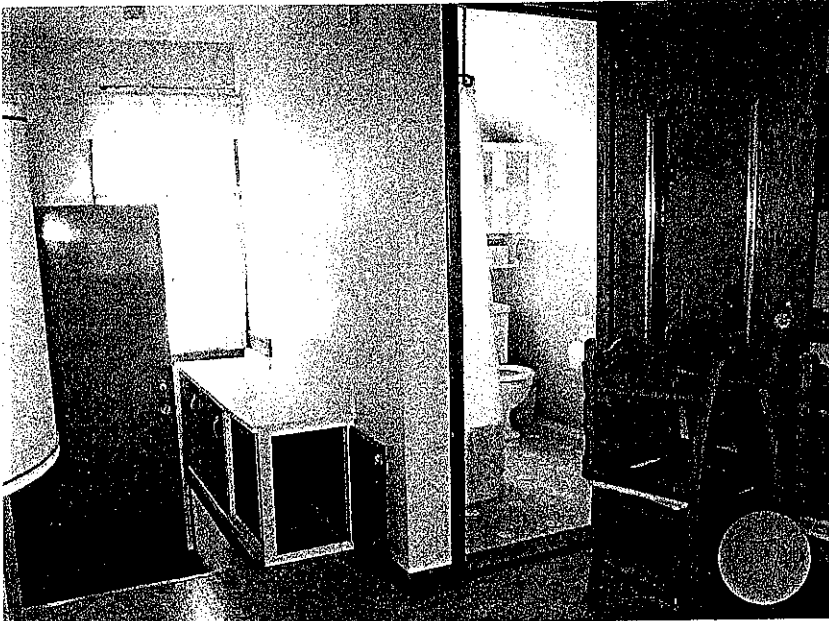
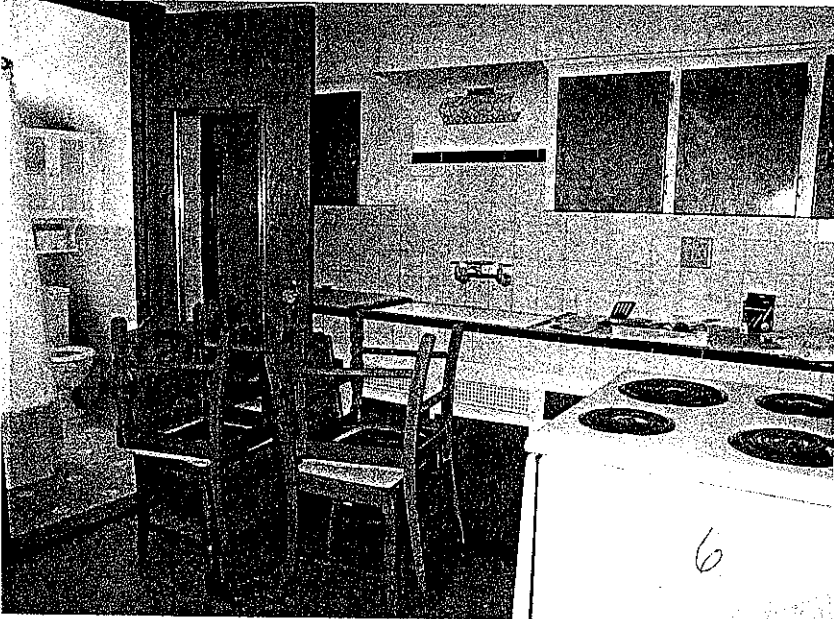
#3124





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Zoning BOARD  
3-2-11



#3124

# Zoning Board

## 3-2-11

DTE Energy



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February 18, 2011

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

RE: Appeal #3125: A variance to obtain a Certificate of Occupancy for a A Martial Arts Studio at #3147 Fort Street, in a B-2 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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