

MINUTES AS RECORDED

**MINUTES OF THE MEETING OF October 6, 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
Olsen

MEMBERS ABSENT: Cusson, Lapp, Trupiano

ALSO PRESENT: Sheila Johnson, Acting Secretary

A motion was made by Member Alderman, supported by Member Gillon to approve the minutes of the September 1, 2010, meeting.

Yes: Alderman, DiSanto, Duran, Gillon, Nevin

No: none

Abstain: Olsen

Absent: Cusson, Lapp, Trupiano

Motion passed

#3117 - GRANTED

Mary Lenerville-Harris, 2088 – 5th Street #1N, Wyandotte (appellant) and Algie & Rosemary Prato, 22596 East River Road, Grosse Ile (owner)

for a variance to obtain a **Certificate of Occupancy for massage therapy at 1611 Ford** (Lot 320, West Park Sub. No. 1 in an O-S zoning district, where the proposed conflicts with Sections 1100 and 1101 of the Wyandotte Zoning Ordinance.

SECTIONS 1100 and 1101:

Which does not list a massage therapy use as a Principal Use Permitted or a Special Use as permitted by the Planning Commission.

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 Olsen, supported by Member Alderman to grant this appeal.

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

No: none

Abstain: none

Absent: Cusson, Lapp, Trupiano

Motion passed

#3118 - GRANTED

Michael & Barbara Bartnikowski, 1776 Moran, Lincoln Park and Wilkie & Zanley Architects, 4242 Biddle, Wyandotte (appellant) and City of Wyandotte, 3131 Biddle, Wyandotte (owner)

for a variance **to obtain a building permit for a new single family dwelling at 306 Vinewood**, Lot 8, Block 99, in a RT zoning district, where the proposed conflicts with Section 2100 of the Wyandotte Zoning Ordinance.

SECTION 2100:

A maximum of 35% lot coverage is allowed for a structure in a RT zoning district. Proposed single family dwelling would exceed allowable lot coverage by 267 square feet.

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.

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

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

No: none

Abstain: none

Absent: Cusson, Lapp, Trupiano

Motion passed

#3119 - GRANTED

Christine Smith, P.O. Box 1401, Southgate (appellant) and Janet Law, 2317 Fort, Wyandotte (owner)

for a variance **to obtain a Certificate of Occupancy for machine shop with retail at 2319 Fort**, N ½ of lot 65 and lots 66 thru 77, Scherer's Westgate Manor Sub. in a B-2 zoning district, where the proposed conflicts with Section 2403 of the Wyandotte Zoning Ordinance.

SECTION 2403:

Which requires for the combined uses in one building of a Halloween Store, 2317 Fort and National Machine Engine, 2319 Fort, and vacant building area for future use, for a total of 41 off street parking spaces as follows:

Halloween Store – 22 off street parking spaces per 2403.R.3.a

National Machine Engine – 10 off street parking spaces per 2403.R.4.a and 2403.R.3.v

Vacant area for future use – 9 off street parking spaces per 2403.R.4.c

Only 26 off street parking spaces are provided.

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.

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

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

No: none

Abstain: none

Absent: Cusson, Lapp, Trupiano

Motion passed

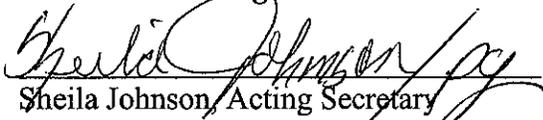
COMMUNICATIONS:

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

OTHER BUSINESS:

none

There being no further business to discuss, the meeting adjourned at 8:15 p.m. **The next scheduled meeting of the board will be held on November 3, 2010.**


Sheila Johnson, Acting Secretary

Appeal #3117

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

Rosemary Prato 22596 East River Road, Grosse Ile (owner) and Mary Lenerville-Harris, 2088 – 5th Street #1N, Wyandotte, (appellant), present.

Mrs. Prato explained that she does want to rent out her building, she does not like driving up and down Northline seeing vacant buildings, there is more to Wyandotte than Biddle.

Ms. Harris explained that she has been a massage therapist for 6 years, full time, she has business and massage license in Trenton, and a license in Texas. She wants to start a business, she has been earning her living in the suburbs. Ms. Harris continued that she found this location in Wyandotte and part of what is holding her back is the cost. She found this location, and it is within her budget. There are two medical businesses on each side of the plaza. Ms. Harris stated that one of the doctors was concerned about the parking, but she assured him that there is parking in the back, and along the street, it should not be an issue.

Ms. Harris stated that there are other regulations that she has opposed to City Council, and she is hoping that they can be resolved easily, it does affect her budget and plans for that location.

Ms. Harris further explained that she wants to do hot and cold stone massages, and that is a specialty sports massage. She has worked in a clinical settings (to relieve pain) and salon/spa settings. She hopes to promote wellness massage instated of clinical massage. Ms. Harris explained the various massages/therapy. Ms. Harris added that she could have an assistant if she did couples massages. Ms. Harris added that she knows that a setting just for massages would promote the wellness of the community.

Ms. Harris stated that there are regulations requiring showers, and she does not intend on installing showers, and she is opposed to it. She would seek an opportunity outside the suburbs if denied this opportunity because of the showers.

Chairperson Duran asked the average number of clients a day. Ms. Harris usually 2 or 3. She is hoping to have an additional 3 to 7 therapists to help her.

Ms. Harris stated that there are many people in Michigan who have never had a massage. She did them in Texas, where she was trained, and they are very well versed in the massage and revenue portion.

Member Nevin asked about the ordinance. Ms. Harris replied that when she moved here there was same sex massage, she was prohibited from doing male massages, over 50% was male in Texas. Ms. Harris continued that she did put in to change the regulation and it took some time, but it did get changed. But the regulation was changed in 2008, she found out when she renewed her license, vendor was not included, the only residential message she was allowed to do was medical, physical issues when the client was restricted from leaving the house, but she feels that the constitution allows anyone to be able to get a massage in their home. She does not do them in her home, she keeps them separate.

Member Nevin asked Ms. Harris where she was in business now. Ms. Harris replied the Trenton Athletic Club and doing calls in various residential areas. Ms. Harris added that she thought she could open her own business September 1, but then the plans changed with this appeal.

Member Nevin asked Ms. Harris is she was governed by the State of Michigan. Ms. Harris replied that in 2009 it was changed to be licensed the State level. But then she

learned that the Health Department at the State level has not put their commission together and they are recommending city regulations until maybe May 2011, it is the licensing, the location area has not been addressed. The cities will have authority over the location. The actual licensing is done by the State level.

Member Nevin explained that the denial stated that massage therapy is not a principal use or special use as permitted by the Planning Commission. Member Nevin asked Ms. Harris if she had been to the Planning Commission. Ms. Harris replied that they went to the City Council to override the Engineering Departments decision since medical and dental have message therapists incorporated in their offices, she told them that that is justification that it should be approved for occupational purposes. Ms. Harris continued that the Council referred it to the Zoning Board for administrative reasons.

Ms. Harris and Member Nevin discussed the regulation that changed in 2008, facilities meeting requirements.

Member Nevin stated that the Planning Commission creates ordinances in the City, and if you have a problem or feel it is too harsh, the Planning Commission can recommend a revision, then you could go to the City Council.

Ms. Harris stated that she has not been to the Planning Commission, she addressed her past issues with the Council. Member Nevin asked if she had a problem with the Wyandotte Ordinance. Ms. Harris replied yes. Member Nevin stated that the Board can only make a decision on what the inspector has said. Ms. Harris stated that the attorney had referred her to zoning for administrative reasons for the ordinance of the zoning. She is here not to discuss the regulations but to bring it to the Boards attention that there are some issues with the regulation. She is here tonight to discuss that it is an office service zoning and they wanted her to have it rezoned to BCD (Ms. Harris stated that she was not quite sure of the correct zoning), but she felt that it did not have to be rezoned, but massage could be included in the OS zone, but she was told that every business that wanted to be OS zone that was outside of the medical and dental, needs to be reviewed by the Zoning Board.

Member DiSanto stated that since it is not a defined use, the Planning Commission can grant a special use. Member DiSanto continued that the question before the Board tonight is if they consider this use similar to other professional uses within the OS district. Member DiSanto stated that the Board is either agreeing that it is a similar use to other professions in the district or the Board is saying that it is not a similar use.

Chairperson Duran stated that all the Planning Commission can do is change the zoning, and they do not want to spot zone.

Chairperson Duran explained that if the appeal were to be granted, the Board would be allowing a massage therapy business in as OS district, where it is not currently permitted.

Member DiSanto stated that Ms. Harris had requested from the Council an administrative review of the ordinance, State statue states that that has to be done by the Zoning Board and that is essentially what Ms. Harris is doing this evening.

Member Olsen stated that Ms. Harris stated 2-3 clients a day, and also up to 7 additional employees. Ms. Harris stated that with the stations she plans, she could have 4 sessions going on maximum at same time, or if just table massage, no more than 3 at a time. Not all therapists would be working at same time, there would be a rotating schedule.

Member Olsen asked about the days of operations. Ms. Harris stated probably just 6 days a week, but she could be open for 7. Member Olsen asked the hours. Ms. Harris stated depending on the demand, off the fly, 9:00 a.m. to 8:00 p.m., and added that during Katrina, she did them on call 24 hours a day, if some place opened that needed that, she could, but if there was opposition, she does not mind her beauty rest.

Member Olsen asked about the sessions. Ms. Harris replied 2 chairs, 1 table, maximum 4 things going on at once.

Member Gillon asked about the parking for the therapists and clients. Ms. Harris replied that there are 4 or 5 parking places, plus you could park along the street.

Mrs. Prato explained that if there are 2 therapist and 2 clients, there should be enough parking. Mrs. Prato added that she does own the building next door.

Member Alderman stated that he feels the parking will be filled by the employees.

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

Appeal #3118

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

Michael & Barbara Bartnikowski, Dave Zanley, Wilkie & Zanley Architects, (appellant) present.

Mr. Zanley explained that they are appealing for the lot coverage, and with the application, he gave a copy of their reasoning for this appeal. The Bartnikowski's have worked with the City to try and find a larger lot in the downtown area. Mr. Zanley stated that what is before the Board tonight really tries to meet with the needs of the Bartnikowski's, Mr. Bartnikowski has the need for a lot of grade level space in the home. They have designed a home with a second floor and a lot of wrap around porches, Victorian styling, to blend in the neighborhood. A second floor or basement does not meet the needs for the Bartnikowski's. The needs were listed in the application.

Two (2) communications were received in favor of this appeal.
One communication was received from DTE regarding this appeal.
Communication from Wilkie & Zanley Architects that was attached to Zoning Board application.

Appeal #3119

Chairperson Duran read the appeal and asked that it be explained

Alan Graff, attorney representing both Christine Smith and Janet's Closet.

Mr. Graff stated that in the past the Board has used 2403.m, that would require 26 parking spaces, they actually have 23. For some reason, the ordinance was switched, and they should be grandfathered in. He does not think that you can just switch the ordinance in the middle of the game and just tell them that something new applies. The new ordinance is not even being applied properly, areas are being misclassified.

Mr. Graff stated that National Machine has added a very small area for a show room, that is the only thing that is actually changing in the building. Mr. Graff continued that the Halloween Store, currently what was there was part of National Machine Engine and they are now switching that to a Halloween Store, the only actual thing being added is the show room for National Machine, it is not that big. He does not understand why 2403 is not being enforced, under that they have enough spots, but now the City is trying to use a new code and not define it properly, this is a multiple use building, not business/commercial. Mr. Graff added that he does not know where that is coming from, unless the Board is trying to find the peg that does not fit to deny the variance.

Mr. Graff continued that the building was built in 1954, and he does not feel that any of this should apply. Mr. Graff stated that 9 spaces are required for a vacant area, and they really do not need any.

Mr. Graff informed the Board that a lawsuit had been filed, and it will go away very quickly if a variance is granted.

Member DiSanto informed Mr. Graff not to make comments that if the Boards votes one way, it (the lawsuit) will all go away. Member DiSanto stated that he has been a member for 12 years, and no one has ever said what he (Mr. Graff) just said. Member DiSanto stated that as an attorney, Mr. Graff should know better than that.

Mr. Graff stated that a lawsuit was filed, and all they are asking for is the Board to follow the law as written. He does not understand what the big deal is, nothing is being changed. Christine wants to add a showroom and Janet's Closet just wants to change from one business to another. Mr. Graff added that he was not making any threats, just a statement.

Christine Smith, present.

Mrs. Smith stated that she and her husband want to purchase National Machine Engine from Janet Law, all they are asking to do is take over an existing business. Their business will become a little smaller, the other business will become a little bigger. They have 9 parking spaces out front, but they cannot be counted. Their business is a seasonal business, the winter months will not be as busy. She and her husband will be running the business, no other employees except for possibly one part time person.

Member DiSanto asked Mrs. Smith if they would be operating the Halloween store. Mrs. Smith replied no, just the machine shop and the retail of the machine shop. Mrs. Smith stated that they will purchase the business from Janet Law, and Janet Law will become their landlord.

Janet Law, present.

Ms. Law stated that she has been before the City of Wyandotte for some other issues involving a private club, she has been in front of the zoning board twice, she has been beat up and discriminated against, lied to by the Engineering Department, ridiculed at the Planning Commission, anything that Janet Law wants to do in this town is turned down. Ms. Law stated that she should not even have to be here tonight, and why a lawsuit was filed, was because in the past, she promised to file a lawsuit over the discrimination matters regarding the nightclub, but she did not do that. The only reason she did not, was because she got derailed, she went off to buy a night club in Lincoln Park, and it went on for 8 or 9 months, and ended up not going through, if it had not been for that, she would have went through with it.

Ms. Law discussed that when the zoning ordinance was changed in April 2007, the ordinance read the same, and her business was listed under a planned commercial center, and it allowed for a 75% reduction in the parking, when she was her before, Ordinance 2403.m was applied, now she applies for a Certificate of Occupancy to continue with Janet's Closet, take over the National Machine Engine showroom, and sell Halloween costumes instead of spark plugs, sell the National Machine Engine business to Christine Smith, so that she can operate it, there is no change in anything in the building or the use or the size of anything except the small addition of a showroom 24x27 for Christine, 40% of the building is still vacant.

Ms. Law passed out a copy of the floor plan, and explained it. The vacant area is enormous. By law, the City of Wyandotte cannot deny her the use of the entire building. She is not asking for entire use of the building, she only asking to continue using what she already has.

Ms. Law stated that under the definition as it was previously given to her under 2403.m, the calculations as calculated by Greg Mayhew, Assistant City Engineer, using his guidelines, if she was still grandfathered, the ordinance that was used in the past, Janet's Closet would require 16 parking spaces, National Engine would require 2.4 or 2 (show room) and the machine shop would require 4, plus one employee. If she had applied for a Certificate of Occupancy on September 7 and was allowed the same ordinance that she had always been under, with 26 parking spaces, and requesting 23, the parking would have been approved. However, that is not what happened, she was denied the parking ordinance she always had had, and thrown into a new parking ordinance by Greg Mayhew, who now throws her into the classification 2403.r.3.a (in handout that was delivered to members last night). Ms. Law read the ordinance and stated that she does not know how that applies to a 15,000 square foot building. Janet's Closet will now require 22 parking spaces. Ms. Law reviewed the section for National Machine Engine, it now goes from 6 spaces to 9, the big kicker is the last one, vacant area. How can it be

considered vacant and occupied, not the vacant space is considered occupied (read ordinance) and how 9 spaces are added. The area is vacant and is not used.

Ms. Law stated that the ordinances that have been applied are not in the realm of the building itself. It is planned commercial center, it is a building with several uses a retail operation (clothing/Halloween store) and the industrial use, which is the machine shop. It is a multiple use building, with a vacant area for future use, just like the Daly's building on Fort Street, or the furniture store on Eureka. It is not a single use building. The same guidelines that were in place in 2006 should be used. It was applied again in in 2007, now that does not apply because her name is Janet Law.

Chairperson Duran stated that the ordinance was revised in 2007, 2403.m was applied. Mr. Graff stated that they should be grandfathered in. Ms. Law asked why it is changing now.

Member DiSanto stated that tonight might be the first night they agree to some extent. Member DiSanto stated that his emotional anger earlier towards Mr. Graff was from the letter that was put in his mailbox the night before the meeting accusing the Board showing hatred and discrimination towards Ms. Law before Ms. Law or the applicant was even heard, then the attorney saying that a lawsuit had been file, and it could simply go away with a vote. Member DiSanto informed Ms. Law that all the members are volunteers, they gather the information presented to them and decipher it, the applicant has the right to present the facts, but to say that the board does not like her, or show hatred towards her, discriminatory, it is unfair for her to drop off things like this to the members mailboxes. Member DiSanto stated that he does not appreciate it.

Chairperson Duran stated that she came to Janet's store yesterday afternoon to speak with Ms. Law and get her side of the story, and stood there for over ½ an hour, and Ms. Law was to busy on the phone and did not have time for her. Ms. Law stated that she owed an apology with an explanation. Ms. Law stated that she was really sorry and maddened that she missed her. Ms. Law continued that she was on the phone with Alan (Mr. Graff) involved in deep conversation and told her employees not to bother her. Ms. Law stated that if she had known that it was her (Barb Duran) she would have cut her conversation short, and apologized.

Clayton Smith (Christine's husband).

Mr. Smith stated that he was a customer of National Machine until it closed for Janet to open the other business and left a loss for anywhere to shop for that type of product. Mr. Smith continued that when they found out everything was already there, and they just needed a show room, they wanted to take advantage of that. He thought that it would not have so many road blocks. He and Christine just want to continue the business, and eventually move to the area, and create a successful business.

Member Gillon asked if there would be vehicle repair. Mr. Smith replied just engine machining. engine and parts supply.

Member Alderman asked if there would be any doors with access to the vacant area of the building in his area. Mrs. Smith explained the doors.

Tiffany Johnson, 1880 Electric, Wyandotte.

Ms. Johnson stated that she is an employee of Janet's and has had never had a parking problem.

Joseph Harpen, 7601 Pardee, Taylor.

Mr. Harpen stated that he has been a customer of National Machine Engine since 1988. Janet's Closet and National Machine have been run out of the same building for quite a few years, there has never been a parking problem. National Machine is not a business where you shop, you go in and you know what you want.

Bruce Votron, 971 Emwell, Ferndale.

Mr. Votron apologized to Chairperson Duran, he was the one that went to get Janet yesterday.

Mr. Votron stated that he has worked at Janet's for a while. There has never been any type of traffic congestion. Most people use the front. Mr. Votron discussed Janet's Business, and added that it is a nice store, it is strictly business, families come there, some older women have been coming there who are losing their hair. Janet runs a good business and tries to keep it looking good.

Dan Dow, 867 Pine, Wyandotte.

Mr. Dow stated that he has been dealing with JR/Janet for about 30 years, never had a problem getting parts or parking. It has been an asset to Wyandotte and any racer in the area. The only place in southeast Michigan where you can get parts. Would like to see it stay open.

James Murphy, 6469 Oak Street, Taylor.

Mr. Murphy stated that he has been a customer of National Machine for over 20 years. National Machine is the only facility in southeast Michigan that provides this type of racing service. Mr. Murphy named the other businesses that he purchases items from in Wyandotte for his racing. The reason he shops at all the other businesses is because of his affiliation with National Machine Engine, if he did not shop there, he would not have any reason to come to Wyandotte and this would affect the other businesses. Mr. Murphy added that he never had a problem with parking.

Margaret Langton, 1341 Applewood, Lincoln Park.

Ms. Langton stated that she has shopped at Janet's Closet since she moved from downriver to the Lincoln Park area (about 6 years). Ms. Langton explained that she used to be 340 pounds and could not find clothes anywhere, she found them at Janet's. She

wears a size 10 ½ triple e shoe, she can't find them anywhere, but finds them at Janet's. Ms. Langton continued that she has been at Janet's hundreds of times, and has never seen a parking problem.

Catherine Moran, 13391, Pineview Way, Southgate.

Ms. Moran stated that has worked at Janet's Closet for over a year, and has never seen a parking problem. Most of the business in online. The people who actually come in the store are cancer victims, one girl came in to get shoes who wears a size 16. Their customers feel comfortable there.

Mr. Yurkovich, 2355 Fort.

Mr. Yurkovich stated that he has been a business owner next to Janet for 18 years. Mr. Yurkovich asked if they were talking about the parking in front or the parking in the lot. Chairperson Duran replied the lot. Mr. Yurkovich stated that they share the parking out front, and there has never been a problem.

Ron Allen, 1928 Champaign, Lincoln Park.

Mr. Allen stated that he has been a customer of National Machine Engine for 25-26 years. Mr. Allen stated that he works as a mail carrier in the City of Wyandotte, and he passes the building a few times a day, and has never seen a parking problem. You just walk in, get your part and leave. He feels that it would be terrible for Wyandotte to lose a business. People that come to National Machine also go to other places in Wyandotte to shop.

Joe Condacor, 50th Abbott, River Rouge.

Mr. Condacor stated that he has never seen a parking problem in 16 years.

Rob Moore, 430 Farm.

Mr. Moore stated that he is here to support National Machine and keep it in business. There is never a parking problem.

Member Alderman commented that he went into Janet's business today with respect, introduced himself with respect. The meeting started out on a bad note tonight. Member Alderman stated that he felt it was disrespectful to have a lawsuit thrown at the Board. Member Alderman informed Ms. Law that if she is paying someone to represent her, they should show some respect too.

Chairperson Duran informed Ms. Law that all the Board members were trying to be respectful, trying to understand the situation.

Ms. Law stated that she apologizes for her attorney.

Member Gillon asked if Janet's Closet was being replaced by the Halloween Store. Ms. Law replied that the Halloween Store is really like an addition to Janet's Closet. People do have the need year round for costumes. Ms. Law explained that the showroom was too far away from the machine shop. Now, when you walk in the show room, you will be able to see the machine shop.

Ms. Law added that all is changing is the little showroom.

Member Gillon stated to clarify, Janet's Closet and the Halloween Store is the same retail space. Ms. Law agreed.

Member Olsen asked Ms. Law how many employees she has. Ms. Law replied 3. Member Olsen stated that he has been on the Board for 15 years and took offense to the letter. He feels that the Board has been very respectful and the letter was very disrespectful, and to bring the letter 8:30 at night, and put in the mailbox is disrespectful. Member Olsen continued that the last 2 years the outside of the building has improved. Member Olsen stated that the board has not been discriminatory. Ms. Law stated that for the last 3 years she has not gotten anything through the City. Member Olsen stated that the two times before was totally different. Member Olsen stated that the comments that the lawyer made was very disrespectful. Ms. Law stated that she tried to get the letters in the mail, but the letter got very involved, and it took Dawn and Tiffany a long time to deliver the letters, it was not intentionally intimidating, it was done in good faith.

Ms. Law stated that if this does not go through, she is losing Christine for the business, she is losing 5 years of lease income, and she will lose a lot. Ms. Law added that the Board does not know the tone the letter was written in.

Member Nevin stated that he feels the meeting is getting off the subject. The board is to make a decision on what is on the application.

One communication was received from DTE regarding this appeal.
Communication given to the Board Members.

ZONING BOARD
10-6-10

Wyandotte Engineering Dep't.
3131 Biddle Ave.,
Wyandotte, Mi.
Zoning Board

#3117
RECEIVED
9-24-10

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13 of 24

Ms. Mary Lenerville `-Harris introduced herself to me in the past couple of weeks @ my office, 1539 Ford Avenue. It was thoroughly explained to her that we welcomed a new business in the area and wished her well.

That particular building location has the capability of four (4) off-street parking spaces. Ms. Harris understands that our parking area is reserved for patients being seen by the Doctors practicing @ 1539 and is not available for other usage.

George W. Danz M.D.

George W. Danz, M.D.
L-C-D Clinic
1539 Ford Ave.,
Wyandotte, Michigan
22 September 2010

Zoning BOARD
10-6-10

DTE Energy



14 OF 24

September 27, 2010

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

#3117

RE: Appeal #3117: A variance to obtain a Certificate of Occupancy for a Massage Therapy at #1611 Ford (Lot 320, West Park Sub. No. 1), in a 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

REMARKS:

DTE Energy-MichCon Gas Company has no involvement, nor objection to the Appeal No. 3117 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
10-6-10



Wilkie & Zanley

ENGINEERS • ARCHITECTS • CONSULTANTS • PROJECT MANAGERS

'A Sidock Company'

3118

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09/10/10

Application to the Zoning Board of Appeals and Adjustment for
Certificate of Compliance or Occupancy

9. Give unusual conditions applicable to premises pertinent to the granting of the appeal.

The Bartnikowski's want to purchase a site near downtown Wyandotte and build a single family home for their own use. Mr. Bartnikowski must use a wheelchair and therefore, his activity will be on the grade level. The home scheme presented has both the needs of Mr. Bartnikowski in mind and elements such as a second floor, wrap-around porches and a Victorian style in order to fit with its context and be acceptable with the city's image for houses in this neighborhood. However, some elements on the grade level of the design which other owners could move, the Bartnikowski's cannot. This causes the footprint to exceed the maximum lot coverage by 4%. These elements include:

- The need for 2 bedrooms on the first floor.
- A 5'-6" wide corridor with straight, direct access from the garage to other areas of the house.
- Larger bathroom and storage area.
- A ramp and turning landing in the garage, causing the garage to be larger.
- Larger, open plan features used to create a barrier-free home.

The Bartnikowski's have worked with the city and have been unable to find a larger site which meets their need and desire to be in a downtown location. This design balances the Bartnikowski's needs and a site plan appropriate for its neighborhood.

4242 BIDDLE AVENUE • WYANDOTTE, MICHIGAN 48192 • (734) 285-1924 FAX: (734) 285-2833
43155 MAIN STREET, SUITE 2310 • NOVI, MICHIGAN 48375 • (248) 349-4500 FAX: (248) 349-1429
379 W. WESTERN AVENUE, SUITE 200 • MUSKEGON, MICHIGAN 49440 • (231) 722-4900 FAX: (231) 722-4955
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Zoning Board
10-6-10

Wyandotte Engineering Dep't.
3131 Biddle Ave.,
Wyandotte, Mi.
Zoning Board

#3118 3118
RECEIVED
9-24-10
16 OF 24

22 September 2010

It is our hope that the Zoning Board would see fit to grant a variance for the construction of a new home @ 304 Vinewood. I doubt that Wilkie & Zanley would plan an unsightly home for that location.

We would welcome Michael & Barbara Bartnikowski to our neighborhood.

Ellen & George Danz

Ellen & George Danz
211 Vinewood Av.,
Wyandotte, Mi.

OFFICIALS

William R. Griggs
CITY CLERK

Andrew A. Swiecki
CITY TREASURER

Colleen A. Keehn
CITY ASSESSOR

Zoning Board
10-6-10



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#3118

MAYOR
Joseph R. Peterson

COUNCIL
Todd M. Browning
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Leonard T. Sabuda
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ZONING BOARD OF APPEALS AND ADJUSTMENT

✓ RECEIVED
9-28-10

APPEAL #3118

To Neighborhood Owner
or Party-in-Interest

September 20, 2010

NOTICE IS HEREBY GIVEN that Michael & Barbara Bartnikowski, 1776 Moran, Lincoln Park and Wilkie & Zanley Architects, 4242 Biddle, Wyandotte (appellant) and City of Wyandotte, 3131 Biddle, Wyandotte (owner) has appealed to the Zoning Board of Appeals and Adjustment of the City of Wyandotte for a variance to obtain a building permit for a new single family dwelling at 306 Vinewood, Lot 8, Block 99, in a RT zoning district, where the proposed conflicts with Section 2100 of the Wyandotte Zoning Ordinance.

SECTION 2100:

A maximum of 35% lot coverage is allowed for a structure in a RT zoning district. Proposed single family dwelling would exceed allowable lot coverage by 267 square feet.

On Wednesday, October 6, 2010, at 6:30 p.m., a public hearing will be held on this appeal in the Council Chambers of the City Hall, 3131 Biddle Avenue, Wyandotte, Michigan.

This notice is for the purpose of giving you and every other neighbor-in-interest this opportunity if you care to appear or to have your opinion expressed at this hearing in support or in opposition to this appeal. You may come in person, or you may authorize anyone else in writing to represent you; or you may express your views and reason in favor or in opposition in writing, but the letter must be received by the Board before the date of the hearing.

The City of Wyandotte will provide auxiliary aids and service to individuals with disabilities at the meeting upon one week notice to the City of Wyandotte. Individuals with disabilities requiring auxiliary aids or services should contact the City of Wyandotte by writing or calling the following: Department of Engineering and Building, 3131 Biddle Avenue, Wyandotte, Michigan 48192, Phone (734)324-4551.

Peggy Green
Zoning Board Secretary

Sept. 25, 2010



I have no objections for a variance for this single family residence to be constructed.
Bruce M. Burt

property owner 211, 213 & 219 Biddle

ZONING BOARD
10-6-10

DTE Energy



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#3118

September 27, 2010

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

RE: Appeal #3118: A variance to obtain a Permit for a Single Family dwelling at #306 Vinewood (Lot 8, Block 99), 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

REMARKS:

DTE Energy-MichCon Gas Company has no involvement, nor objection to the Appeal No. 3118 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. Keyes
Senior Drafter
Data Integrity and Technology

EAR/
Enclosure

ZONING BOARD
10-6-10

3119

9 OF 24

Janet Law

2317 Fort Street
Wyandotte Michigan
Phone 734-285-2609
Fax 734-281-3454

To Whom It May Concern:

The purpose of this correspondence is to clarify my point of view on the Appeal presented to the Zoning Board on October 6, 2010.

As most of you already know I have had parking issues before this Board and Others in the past. Each and every time I have been denied. I have been denied every proposal I have brought to the City of Wyandotte since 2004. All of my requests have been reasonable, legitimate and non-intrusive to any one else. I have been denied because of my sexual orientation (trans-gendered), who all of you mistaken as being gay. Either way, trans-gendered or gay, you deny me everything.

I fully expect this October 6th to be no different. Therefore, in anticipation of some ridiculous motion that's already in the works behind the scenes I have filed a lawsuit against the City of Wyandotte and the people who have discriminated against me. I fully intend to amend the complaint to include others who discriminate against me. My right to own and operate my businesses in Wyandotte cannot and will not be stopped and controlled by certain individuals at the City of Wyandotte. I am holding every one accountable who has cost me my nightclub and who stands in the way of my sale of National Engine and the opening of the Halloween store.

What I am asking for is modest. I have owned and operated National Engine in the City of Wyandotte since 1980. My business has never caused any problems of any kind for the city. National Engine has never nor will it ever cause a parking problem for any one in the city. Janets Closet has been in operation since 2004 and has never nor will it ever cause a single problem of any kind parking or otherwise for anyone.

I am asking that the National Engine showroom now be used to sell Halloween costumes and other types of clothing. Janets Closet is not an adult store. We have not ever nor will we ever engage in the sale of pornography, adult literature, adult movies, sex toys or any thing else of this nature. Janets Closet sells wigs and fashion clothing including sexy high heels and boots. Although we are known to sell to the trans-gender community ninety percent of our business is the general public. For those of you who have never been to Janets Closet and witnessed the store first hand and heard it was a store for cross-dressers usually have a dim view of the store. The general public who shop there the most have no idea that trans-genders even shop there. All we get are compliments on what a great store it is.

Zoning Board
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Now, with National's showroom being converted to the Halloween store, I intend to use some of the vacant area in the building to build a new and much smaller showroom for National Engine. So in reality nothing is really changing. There will still be only two stores, the same two stores that have been there for years. None of the parking conditions will change.

In the past when I made applications for the club, the engineering department put my building's classification under section 2403.M.

Whenever off-street parking requirements shall be determined on a square footage of usable floor area basis, the usable floor area for planned commercial centers and freestanding retail commercial uses, other than grocery stores and restaurants, shall be seventy-five (75) percent of the gross floor area.

Using this guideline and the definitions set forth by Greg Mayhew of the engineering department, the parking would have been as follows:

Janets Closet $3,257.62 \text{ sq ft} \times 75\% = 2,443.22$ divided / 150 = 16.29 or 16 parking spaces.

National Machine Shop $1,998.46 \text{ sq ft} \times 75\% = 1,498.85$ divided / 400 = 3.75 or 4 parking spaces.

National Showroom $639.36 \text{ sq ft} \times 75\% = 479.52$ divided / 200 = 2.4 or 2 parking spaces.

Plus one for an employee

Using the Zoning ordinances of the past, I would need 23 Parking where 26 exist. If Greg Mayhew had used the ordinances of the past, I would have passed the parking test and had no reason to go to the ZBA.

However, Greg Mayhew changed everything. Greg Mayhew has reclassified the building to fall under new zoning ordinances including adding some.

Concerning Janets Closet, Mayhew has changed from the previous 4203.M to the new 2403.R.3.a

2403.R.3.a as follows:

Business and commercial

Retail stores except as otherwise specified herein

One (1) for each one hundred fifty (150) square feet of usable floor area, plus three (3) waiting spaces for each drive-through window.

This ordinance takes away the 75% discount on parking. This ordinance is intended for a building with a single purpose establishment. My building is a multi-purpose establishment so it does not apply.

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Concerning National Engine Mayhew has changed the previous 2403.M to the new 2403.R.4.a and 2403.R.3.v.

2403.R.4.a

Industrial uses

Major automotive repair

One (1) for each four hundred (400) square feet of usable floor area, plus one (1) for each employee. (Does not include storage of wrecked or repaired vehicles)

2403.R3.v

Business and commercial uses

Motor vehicle sales establishments, boat showrooms

One (1) for each two hundred (200) square feet of usable floor area of sales room plus one (1) for each service stall in service areas.

These two ordinances were used previously and there ok, unless you remove the overlaying ordinance 2403.M that provides a 75% discount on parking.

This is where Greg Mayhew really puts the screws to me. He takes my submitted plans and changes the word vacant area to vacant / occupied. Yes vacant / occupied. How can an area be both vacant and occupied at the same time? It's a contradiction in itself. Mayhew then voluntarily adds the following zoning ordinance to the equation.

2403.R.4.c

Industrial uses

Warehouse and wholesale establishments and related accessory offices

Three (3) plus one (1) for each one (1) employee in the largest working shift, or five (5) plus one (1) for every seventeen hundred (1,700) sq. ft. of usable floor area, whichever is greater.

ZONING BOARD
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October 5, 2010

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Mayhew's addition of this new ordinance has now reclassified the vacant area as a commercial establishment. There is no warehouse and wholesale establishment here. There are no related accessory offices. There is no establishment for which there are employees. There is no business period. It's vacant area. This is an intentional and willful total miss classification of the vacant area to make my getting a Certificate of Occupancy harder to obtain. It is discrimination.

Please see the following Definitions.

ARTICLE II. DEFINITIONS

Sec. 201. Specific terms.

For the purpose of this ordinance the following definitions shall apply unless context clearly indicates or requires a different meaning.

Floor area useable (for the purpose of computing parking). The area used for or intended to be used for the sale of merchandise or services or for use to serve patrons, clients, or customers. **Such floor area which is used for or intended to be used principally for the storage or processing of merchandise, or for utilities, shall be excluded from this computation of "useable floor area".** Measurement of floor area shall be the sum of the gross horizontal areas of the several floors of the building measured from the interior faces of the exterior walls. For the purposes of computing parking for those uses not enclosed within a building, the area used for the sale of merchandise, display of merchandise, and/or area used to serve patrons or clients shall be measured to determine necessary parking spaces.

According to all three zoning ordinances 2403.R.3.a, 2403.R.4.a and 2403.r.3.v that were used to calculate my parking, the parking was calculated by *usable floor area*. Article II. Definitions sec. 201 specifically states that storage shall be excluded from this computation for useable floor area. Therefore, Mayhew's integration of ordinance 2403.R.4.c is incorrect.

Recently, I submitted plans to Mayhew that called out the vacant area as storage. I was told by Mayhew, that I cannot call the area storage. He told me if I call it storage then he would have to apply parking to the storage area. Following Mayhew's orders I changed the words storage to vacant area. Now Mayhew takes the liberty to call the vacant area **vacant / occupied** and he proceeds to add zoning ordinance 2403.R.3.c. and then labels it Vacant area for future use. If I had left the words storage on the plans then under the definition 'usable floor area' the storage area would have been excluded from parking. Mayhew knew that when he told me to change it from 'storage' to 'vacant'. This is discrimination.

Zoning Boxes
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October 5, 2010

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According to ARTICLE II. DEFINITIONS unless a word is defined under the definitions section of the code then the word shall have the meaning customarily assigned to them. There is no word Vacant under the terms defined. Therefore, the word Vacant, shall be interpreted as it is understood to be Vacant. Vacant cannot be interpreted as vacant/occupied because they are opposites and conflict in meaning. Under Article II Definitions sec 200. General, Mayhew cannot change the meaning of vacant to vacant / occupied.

Sec. 200. General.

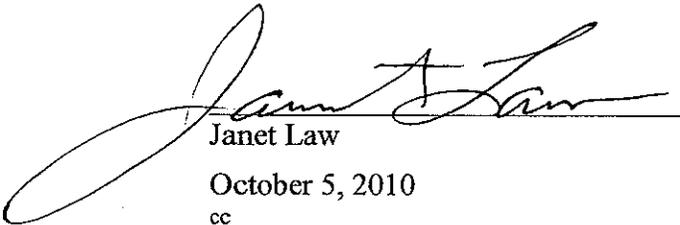
For the purposes of this ordinance, certain terms, or words used herein shall be interpreted as follows:

All words used in the present tense shall include the future; all words in the singular number include the plural number and all words in the plural number include the singular number; and the word "building" includes the word "structure," and "dwelling" includes "residence;" the word "person" includes "corporation," "co-partnership," "association," as well as an "individual;" the word "shall" is mandatory and the word "may" is permissive; the word "lot" includes the words "plot" or "parcel;" the words "used" or "occupied" includes the words "intended," "designated," or "designed," or "arranged to be used or occupied."

Terms not herein defined shall have the meaning customarily assigned to them.

I consider it an act of hatred that I cannot get fair treatment by the City of Wyandotte for anything I ask for. It's unbelievable that I have to go to court to get a decision on my parking when it should have never been denied in the first place. I deserve the same rights and respect as any one else. Your discrimination against me has to stop.

Sincerely



Janet Law

October 5, 2010

cc

Keith Trupiano
Daniel Cusson
Joe DiSanto
David Lapp
Victor Nevin
Barb Duran
Peggy Green
Robert Alderman
Kelly Roberts
David Olsen

Zoning Board
10-6-10

DTE Energy



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September 27, 2010

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

#3119

RE: Appeal #3119: A variance to obtain a Certificate of Occupancy for a Machine Shop with Retail at #2319 Fort (Lots 65 and 66 thru 77, Scherer's Westgate Manor Sub.), 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.
- 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. 3119 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