

**MINUTES AS RECORDED**

**MINUTES OF THE MEETING OF December 4, 2013  
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, 3200 Biddle Avenue, Wyandotte.

**MEMBERS PRESENT:** Alderman  
DiSanto  
Duran  
Flachsmann  
Gillon  
Nevin  
Olsen  
Trupiano  
Wienclaw

**MEMBERS ABSENT:** none

**ALSO PRESENT:** Peggy Green, Secretary

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A motion was made by Member Flachsmann, supported by Member Olsen to approve the minutes of the November 6, 2013, meeting.

Yes: Alderman, DiSanto, Duran, Flachsmann, Gillon, Nevin, Olsen, Trupiano, Wienclaw

No: none

Abstain: none

Absent: none

Motion passed

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**#3178 – DENIED**

Phil Nagorski, 1832 – 10<sup>th</sup> Street (appellant) and Joe and Gloria Hutcherson, 2250 – 10<sup>th</sup> Street (owner)

for a variance **to obtain a Certificate of Occupancy for a physical therapy facility and one apartment at 2250 – 10<sup>th</sup> Street** (Lots 51 – 53, Welch Bros. Pulaski Blvd. Sub.), in a RA zoning district, where the proposed conflicts with Sections 400, 401, 2403 and 2704.C.2 of the Wyandotte Zoning Ordinance.

**SECTION 400 and 401:**

The requested use of a physical therapy facility is not a Principal Use Permitted or a Special Land Use as allowed by Section 400 and 401.

**SECTION 2403:**

The requested use requires four (4) off street parking spaces per Section 2403 Parking, where no off street parking spaces are provided.

**SECTION 2704.C.2:**

Provides that a use variance may be permitted subject to the procedure prescribed in that section. (Applicant has requested a rezoning of the property, which was denied by the Planning Commission).

**Motion failed to pass due to required number of votes.**

A motion was made by Member DiSanto, supported by Member Flachsmann to grant Section 400 and 401 of this appeal.

Yes: DiSanto, Duran, Flachsmann, Trupiano  
No: Alderman, Gillon, Nevin, Olsen, Wienclaw  
Abstain: none  
Absent: none  
Motion passed

**#3179 – GRANTED**

John & Linda Pounds, 1731 Superior (owner & appellant)

for a variance **to obtain a building permit for a pool at 1731 Superior** (E ½ of Lot 315 also 22.50' of Lot 316, Baisley Park Sub.), in a RA zoning district, where the proposed conflicts with Section 2402.K of the Wyandotte Zoning Ordinance.

**SECTION 2402.K:**

Private pools shall not be built less than 4' from any lot line or building, where the proposed is located 3'.

**Location of pool will not hinder or discourage appropriate development or use of adjacent land and buildings, or impair the value thereof**

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

Yes: Alderman, DiSanto, Duran, Flachsmann, Gillon, Nevin, Olsen, Trupiano, Wienclaw  
No: none  
Abstain: none  
Absent: none  
Motion passed

**Appeal #3180 - GRANTED**

J & S Concrete, 1452 – 15<sup>th</sup> Street, Wyandotte (appellant) and Norman Williams, 863 St. Johns, Wyandotte (owner)

for a variance **to obtain a building permit for a garage at 863 St. Johns** (E 1' of Lot 27, Lot 28 and also W 10' of Lot 29, Ford City Heights Sub.), in a RA zoning district, where the proposed conflicts with Section 2100 of the Wyandotte Zoning Ordinance.

**SECTION 2100:**

Maximum lot coverage not to exceed 35%. Garage would exceed lot coverage by 161 square feet.

**Lot coverage will not hinder or discourage appropriate development or use of adjacent land and buildings, or impair the value thereof.**

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

Yes: Alderman, DiSanto, Duran, Flachsmann, Gillon, Nevin, Olsen, Trupiano, Wienclaw

No: none

Abstain: none

Absent: none

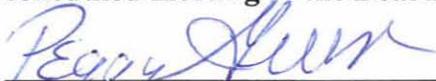
Motion passed

**COMMUNICATIONS:**

Motion was made by Member DiSanto 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 January 8, 2014.**

  
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Peggy Green, Secretary

**Appeal #3178 – tabled from the November 6, 2013 meeting.**

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

Phil Nagorski, 1832 – 10<sup>th</sup> Street, appellant, present.

Mr. Nagorski explained that he wanted to use the building for an exercise facility/studio. There seemed to be some confusion, it is not a physical therapy facility, but an exercise studio, what he does is bridge the gap between personal training and physical therapy. He does do personal training. He does not want to go over everything, he feels that he has answered all the questions at the last meeting, he did a thorough complete application.

Mr. Nagorski stated that he feels that there is not a parking issue around the general vicinity of the building.

Member Gillon asked Mr. Nagorski if he was the new owner. Mr. Nagorski replied that he was not yet the owner, he does have a purchase agreement contingent upon him being able to use it.

Member Trupiano commented on the photos that had been presented at the last meeting showing more people and Mr. Nagorski had stated that he would have one or two people at the studio, and asked Mr. Nagorski to explain. Mr. Nagorski explained that he trains one of the daughters and they did have a few extra people on that day and they did go to the park, it was never done again, found out it bothered the neighbors. Majority of his training is one on one. He did point out that a dance studio would be allowed, and there could be up to four people. He would not be having any more than it allowed for a dance studio. Mr. Nagorski stated that he would put in a parking lot if the board wanted him too.

Member Trupiano stated that 4 spaces are required, Mr. Nagorski stated that his drawing showed 5 spaces, which included 2 in the garage. The tenant could use one space in the garage and so could he.

Member Alderman asked about business hours. Mr. Nagorski replied that he does not have established hours. Mr. Nagorski replied that people come to him after work, and would accept restrictions if he board had some put on.

Member Alderman asked Mr. Nagorski if he was licensed. Mr. Nagorski replied yes, and explained the licenses and certifications he has.

Member Alderman asked if the living quarters would be rented out. Mr. Nagorski replied yes and he will provide required parking.

Chairperson Duran asked if there was anyone else presented who had anything else to add, and added that the Board Member have all read the minutes from the last meeting.

Arnie Paciani, 2226 – 10<sup>th</sup> Street, Wyandotte, present.

Mr. Paciani asked Members that were not presented before if they had read the minutes, reviewed the cd, or watched the minutes, because the minutes are very short version of an hour and half meeting. Member Alderman stated that he read the minutes, Member Gillon stated that he read the minutes, Member Nevin stated that he watch the entire meeting from his home and added that he was familiar with the property, he was on the Board when it was changed to a single family dwelling.

Mr. Paciani stated that the owners understood at that time that it could not be turned back.

Mr. Paciani discussed the availability of the DVD at the library and the scheduling of the meeting to replay on cable, and the neighbors were at a disadvantage.

Mr. Paciani stated that this was not personal against Mr. Nagorski, but opening a business in a residential zoned area.

Mr. Paciani discussed the petition that Mr. Nagorski had submitted at the last meeting, and he has a few challenges. Mr. Paciani discussed the signatures. Chairperson Duran stated that the Board has a copy, Mr. Paciani stated that he can prove Mr. Nagorski does not have that many signatures in favor. Mr. Paciani stated that the Board does not have a copy of what he has. Chairperson Duran stated that he could give a copy to the clerk and it could be passed to the members to look at while they are here. Mr. Paciani continued to discuss the petition.

Chairperson Duran informed Mr. Paciani that he could give a copy to the secretary make copies to give to the members/pass around what he has now for the member to look at.

The Board and Mr. Paciani discussed the communications that had been presented to the Board at the last meeting.

Chairperson Duran stated that all neighbors were notified for the original meeting.

Mr. Paciani discussed the petition that Mr. Nagorski had submitted, and it was the same from the Planning Commission meeting.

Mr. Paciani discussed how he had requested the minutes, and they were not available at that time. Chairperson Duran stated that the minutes have to be prepared, and then she has to approve them before they are sent to the members.

Mr. Paciani stated that he feels that the property owners are getting the shaft. Member DiSanto stated that the Board has not voted on the appeal, he has been a member of the Board for 17 years and he feels the Board has always done an excellent job listening to the residents, and the Board has not even made a motion on this appeal yet. All the members are residents of the community and understand the challenges.

Robert MacDonald, 1034 Mulberry.

Mr. MacDonald presented the pictures from last meeting to the Board and had them passed around.

Mr. MacDonald stated he lives next door and is concerned about the closed alley, and asked if the variance could be transferred if the business is sold. Chairperson Duran yes, if same type of business, and if not vacant for more than 6 months.

Patricia Wisbang, 2235 – 10<sup>th</sup> Street, Wyandotte.

Ms. Wisbang discussed the situation of the building being suitable for a residence, and discussed others.

Ms. Wisbang stated that a hardship is not being imposed on the owner, Mr. Nagorski does not own the property. The owners of the property had it changed to a single family dwelling, they created the situation. All the neighbors would be effected.

One communication was received regarding this appeal.  
(Note Mr. MacDonald left the pictures to be placed in the file, Mr. Paciani did not leave his copy of the petition he was speaking of).

**Appeal #3179 – tabled from the November 6, 2013 meeting.**

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

John Pounds, owner, present.

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

Mr. Pounds explained that they wanted a pool, they live in an older section, and have one area that they could put the pool, and referred to his application to show where pool was located. Pool was installed, and then found out a permit was required. Mr. Pounds discussed the construction of the pool and the location, and the distance from the alley and fence. Mr. Pounds added that they have looked into fencing to attach to the pool.

Member Alderman asked if he installed the pool. Mr. Pounds stated he hired a company to put up and install. Member Alderman commented that a company should have known a permit was required.

Member Alderman discussed the distances that were supplied on the drawing.

No communications were received regarding this appeal.

**Appeal #3180**

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

Joe Piechocki, J & S Construction (appellant) and Norman Williams (owner).

Mr. Piechocki explained that he is doing the concrete and the framing of the garage.

Chairperson Duran asked if they are building a garage. Mr. Norman replied yes  
Chairperson Duran asked if it would be 22'x24'. Mr. Piechocki replied that was correct.

Mr. Williams stated that he want to have off street parking. In the garage he would store his Monte Carlo and park another car. Mr. Williams added that there is only parking on one side of the street.

Member Alderman asked where the garage would start. Mr. Piechocki replied 12' from back of house.

There was discussion regarding the wires and the poles.

Chairperson Duran asked Mr. Williams if he owned the home. Mr. Williams replied yes, his son lives there.

Richard Missler, 824 St. Johns, present.

Mr. Missler asked where access to the garage would be from. The Board replied St. Johns. Mr. Missler asked how wide the approach is, it will be taking away from the parking on the street. The Board commented that there is already an existing driveway. Member Trupiano confirmed with the builder that they will be using the existing driveway.

One communication was received regarding this appeal.

11-21-13

Per #  
3178

8 OF 9  
RECEIVED  
11-22-13

Dear Zoning Board Members:

I am opposed to granting this appeal due to only having one side of the street parking that is impossible to park on now. I feel by granting this use it will create a worse parking problem that already exists now. My company can't even park in front of my own house now while visiting.

Thank You!



Lorraine Siwarski  
2282 – 10<sup>th</sup>  
Wyandotte



DTE Energy \ MichCon Gas  
Data Integrity and technology  
One Energy Plaza - WCB1836  
Detroit, MI 48226

9 of 9  
RECEIVED  
12-2-13  
12:25

December 2, 2013

**Peggy Green, Zoning Board Secretary**  
Zoning Board Of Appeals and Adjustments  
3200 Biddle Avenue, Suite 200  
Wyandotte, Michigan 48192

**Re: Appeal #3180: For a variance to obtain a Building Permit for a garage at 863 St. Johns (E. 1' of Lot 27, Lot 28 and also W. 10' of Lot 29, Ford City Heights Sub) in a RA zoning district, where the proposed conflicts with Section 2100 of the Wyandotte Zoning Ordinance.**

- Not involved. See Remarks!
- Involved: but asking you to hold action on this petition until further notice.
- Involved but have no objection to the property change - - provided that an easement of the full width of the public right-of-way (street, alley or other public place) is reserved.
- Involved: the nature of our services, and the estimated costs of removing, rerouting or abandonment of such all gas mains and/or services

**REMARKS:**

**DTE Energy-MichCon Gas Company has no involvement, nor objection to the Appeal No. 3179 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,

Thomas B Dereszewski

/S/ Thomas B. Dereszewski  
Drafter - WSB 1836  
Data Integrity and Technology

TBD/  
Enclosure