

MINUTES OF THE ZONING BOARD OF APPEALS MEETING OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, NOVEMBER 20, 2023, IN THE COUNCIL/COURTROOM OF THE ROBERT E. NOVITKE MUNICIPAL CENTER, 20025 MACK PLAZA DR., GROSSE POINTE WOODS, MICHIGAN.

The meeting was called to order at 7:12 p.m. by Mayor Bryant.

Roll Call: Mayor Bryant
Council members: Brown, Gafa, Granger, McConaghy, Vaughn
Absent: Koester

Also Present: City Administrator Schulte
Assistant City Administrator Como
Treasurer/Comptroller Murphy
City Attorney Tomlinson
City Clerk Antolin
Director of Public Services Kowalski
City Engineer Pangori
Assistant Planner Wolf
McKenna Representative Jackson

Motion by McConaghy, seconded by Gafa, that Councilmember Koester, be excused from tonight's meeting.

Motion carried by the following vote:

Yes: Brown, Bryant, Gafa, Granger, McConaghy, Vaughn
No: None
Absent: Koester

Motion by Brown, seconded by Gafa, that all items on tonight's agenda be received, placed on file, including the comments and letters received tonight and taken in the order of appearance.

Motion carried by the following vote:

Yes: Brown, Bryant, Gafa, Granger, McConaghy, Vaughn
No: None
Absent: Koester

THE MEETING WAS THEREUPON OPENED AT 7:13 P.M. FOR A ZONING BOARD OF APPEALS HEARING UNDER THE PROVISIONS OF MICHIGAN ZONING ENABLING ACT PA 110 OF 2006, MCL 125.3101 ET SEQ, TO HEAR THE APPEAL OF RUSSELL SANDS, 551 ROSLYN ROAD, WHO IS APPEALING THE SIDE YARD SETBACK REQUIREMENTS, DUE TO NONCOMPLIANCE WITH SECTION 50-3.1.A.4 OF THE ZONING ORDINANCE. A VARIANCE IS THEREFORE REQUIRED.

Secretary's Note: for purposes of the Zoning Board of Appeal hearing, the following items were presented to, and received by, the Zoning Board of Appeals for consideration:

- 1) ZBA Review 11/10/23 - Senior Planner/Assistant Planner
- 2) Building Permit Application
- 3) Email 10/06/23 - Assistant Planner
- 4) Letter 10/19/23 - Accessible environments, LLC
- 5) Application to the Zoning Board of Appeals
- 6) Proposed Accessible Addition/Renovations Plan
- 7) Memo 11/15/23 - Department of Public Safety
- 8) Memo 11/15/23 - Director of Public Works
- 9) Receipt of Payment
- 10) Affidavit of Property Owners Notified
- 11) Parcel/Aerial Maps (2)
- 12) Affidavit of Legal Publication

Assistant Planner Wolf provided an overview of the Petitioner's request in accordance with her Zoning Board of Appeals review dated November 10, 2023.

The Chair asked if anyone from the audience wished to speak in favor of the proposed request. The following individual was heard:

- Donald Szczepanski, Accessible Environments, LLC

The Chair asked if anyone from the audience wished to speak in opposition to the proposed request. Nobody wished to be heard.

Motion by McConaghy, seconded by Granger, that the public hearing be closed at 7:22 p.m. PASSED UNANIMOUSLY.

Motion by Brown, seconded by McConaghy, regarding Zoning Board of Appeals: Russell Sands, 551 Roslyn Rd., that the Zoning Board of Appeals grant a variance from the side yard setback requirements of Sec. 50-3.1.A.4, as a case can be made to justify the findings of practical difficulty as described in the variance standards.

Motion carried by the following vote:

Yes: Brown, Bryant, Gafa, Granger, McConaghy, Vaughn
No: None
Absent: Koester

THE MEETING WAS THEREUPON OPENED AT 7:27 P.M. FOR A ZONING BOARD OF APPEALS HEARING UNDER THE PROVISIONS OF MICHIGAN ZONING ENABLING ACT PA 110 OF 2006, MCL 125.3101 ET SEQ, TO HEAR THE APPEAL OF JAMES KALICH JR., 1398 ANITA AVENUE, WHO IS REQUESTING A VARIANCE FOR A BUILDING ADDITION TO LEGAL

NONCONFORMING HOME. PER SECTION 50-7.16 OF THE ZONING ORDINANCE, A VARIANCE IS THEREFORE REQUIRED.

Motion by Granger, seconded by Gafa, to receive and place on file the following communications pertaining to this variance request:

- 1) ZBA Review 11/09/23 - Senior Planner/Assistant Planner
- 2) Building Permit Application
- 3) Builder Registration Form/Certificate of Liability
- 4) Email 10/03/23 - Assistant Planner
- 5) Letter of Intent - 10/30/23
- 6) Application to the Zoning Board of Appeals
- 7) Site Plan
- 8) Memo 11/15/23 - Department of Public Safety
- 9) Memo 11/15/23 - Director of Public Services
- 10) Receipt of Payment
- 11) Affidavit of Property Owners Notified
- 12) Parcel/Aerial Maps (2)
- 13) Affidavit of Legal Publication

Motion carried by the following vote:

Yes: Brown, Bryant, Gafa, Granger, McConaghy, Vaughn

No: None

Absent: Koester

Assistant Planner Wolf provided an overview of the Petitioner's request in accordance with her Zoning Board of Appeals review dated November 9, 2023.

The Chair asked if anyone from the audience wished to speak in favor of the proposed request. The following individual was heard:

- James Kalich, 1398 Anita Avenue

The Chair asked if anyone from the audience wished to speak in opposition to the proposed request. Nobody wished to be heard.

Motion by Vaughn, seconded by Granger, that the public hearing be closed at 7:32 p.m. PASSED UNANIMOUSLY.

Motion by Gafa, seconded by McConaghy, regarding Zoning Board of Appeals: James Kalich Jr., 1398 Anita Avenue, that the Zoning Board of Appeals grant a variance from section 50-7.16 to enlarge a legal nonconforming residential structure, based upon the application and site plans submitted by the applicant a case can be made to justify the findings of a practical difficulty as described in the review letter.

Motion carried by the following vote:

Yes: Brown, Bryant, Gafa, Granger, McConaghy, Vaughn
No: None
Absent: Koester

THE MEETING WAS THEREUPON OPENED AT 7:35 P.M. FOR A ZONING BOARD OF APPEAL HEARING UNDER THE PROVISIONS OF MICHIGAN ZONING ENABLING ACT PA 110 OF 2006, MCL 125.3101 ET SEQ, TO HEAR THE APPEAL OF NICHOLAS & ALANNA AVOURIS, 707 NORTH RENAUD ROAD, WHO IS APPEALING LOT COVERAGE, FIRST FLOOR ELEVATION AND SIDE YARD SETBACK REQUIREMENTS, DUE TO NONCOMPLIANCE WITH SECTIONS 50-3.1.A.4 AND 50-5.20, OF THE ZONING ORDINANCE. VARIANCES ARE THEREFORE REQUIRED.

Assistant Planner Wolf provided an overview of the Petitioner's request in accordance with her Zoning Board of Appeals review dated November 15, 2023.

However, in the last review it was discovered the zoning ordinance allows the reduction of side yard space based on the average of the properties on the block. There were enough sketch plans on file from adjacent properties to conclude that the side yard setback is in compliance with zoning ordinance. Therefore, only two variances are required for the lot coverage and first floor elevation.

Motion by Granger, seconded by Vaughn, to receive and place on file the following communications pertaining to this variance request including the additional documents received tonight:

- 1) ZBA Review 11/15/23 - City Planner
- 2) Building Permit Application
- 3) Revised Building Permit Application
- 4) Letter of Intent 10/27/23 - Nicholas & Alanna Avouris
- 5) Application to the Zoning Board of Appeals
- 6) Site Plan
- 7) Site Plans with notes (2)
- 8) Memo 11/15/23 - City Engineer
- 9) Memo 11/15/23 - Department of Public Safety
- 10) Memo 11/15/23 - Director of Public Services
- 11) Receipt of Payment
- 12) Affidavit of Property Owners Notified
- 13) Parcel/Aerial Maps (2)
- 14) Affidavit of Legal Publication
- 15) Email 11/17/23 - Elizabeth and John Dallas
- 16) Email 11/17/23 - Laura Peeples

Motion carried by the following vote:

Yes: Brown, Bryant, Gafa, Granger, McConaghy, Vaughn
No: None
Absent: Koester

The Chair asked if anyone from the audience wished to speak in favor of the proposed request. The following individual was heard:

- Eric Shepherd, 24055 Jefferson Ave. Suite 2000, St. Clair Shores

The Chair asked if anyone from the audience wished to speak in opposition to the proposed request. The following individuals were heard:

- Rob Musial, 806 N. Renaud Rd.
- Richard Linnell, 2804 Orchard Lake Rd., Keego Harbor
- Mark Wilamowski, 742 N. Renaud Rd.
- Andrea Wilamowski, 742 N. Renaud Rd.
- Dan Spies, 727 N. Renaud Rd.
- Christal Lint, 727 N. Renaud Rd.
- Patricia Fayad, 762 N. Renaud Rd.
- Ed Rinke, 633 N. Renaud Rd.

Motion by McConaghy, seconded by Gafa, that the public hearing be closed at 8:08 p.m. PASSED UNANIMOUSLY.

Motion by Vaughn, seconded by McConaghy, regarding Zoning Board of Appeals: Nicholas and Alanna Avouris, 707 North Renaud Road, that the Zoning Board of Appeals grant the variances for Section 50-3.1.A (Lot Coverage) and Section 50-5.20 (First Floor Elevation) with the stipulations that no further accessory building be permitted on the property or no further action is taken to increase the lot coverage; and based on the following:

1. The applicant has provided evidence as to why they satisfy each of the required variance standards.
2. Strict compliance with the ordinance prevents improvement of the property in a manner which is reasonable, customary and consistent with other properties in the area.
3. Strict compliance with the ordinance causes practical difficulty due to significant or unjustified expense in light of the scope of the project and its current stage of completion.
4. The practical difficulty with compliance was not created as a result of any action taken by the applicant which was unlawful, or which could have been reasonably foreseen to create difficulty in complying with the ordinance. The owner hired an architect to prepare and submit the plans for approval.

5. Strict compliance with the ordinance causes practical difficulty due to significant or unjustified expense in light of the approval of the plans more than a year ago and substantial expenditures by the owner to build in accordance with the plans.

City Engineer Pangori briefly discussed the proposed grading plan. Assistant Planner Wolf answered questions from Council.

Motion carried by the following vote:

Yes: Brown, Bryant, McConaghy, Vaughn

No: Gafa, Granger

Absent: Koester

Nobody wished to be heard under **New Business/Public Comment**.

Motion by Granger, seconded by Vaughn, that tonight's meeting minutes be immediately certified.

Motion carried by the following vote:

Yes: Brown, Bryant, Gafa, Granger, McConaghy, Vaughn

No: None

Absent: Koester

Motion by Granger, seconded by McConaghy, that tonight's meeting be adjourned at 8:17 p.m. PASSED UNANIMOUSLY.

Respectfully submitted,

Paul P. Antolin
City Clerk