

MINUTES OF THE ZONING BOARD OF APPEALS MEETING OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, NOVEMBER 21, 2022, IN THE COUNCIL/COURTROOM OF THE ROBERT E. NOVITKE MUNICIPAL CENTER, 20225 MACK PLAZA DR., GROSSE POINTE WOODS, MICHIGAN.

The first Zoning Board of Appeals (Council Item 8A) was called to order at 7:24 p.m. by Mayor Bryant.

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

Also Present: City Administrator Schulte
Treasurer/Comptroller Murphy
City Attorney Walling
City Clerk Antolin
Assistant City Administrator Como
Director of Public Services Kowalski
Building Official Jackson

Motion by Gafa, seconded by Brown, that Councilmember Vaughn, be excused from tonight's meeting for personal business.

Motion carried by the following vote:

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

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

Motion carried by the following vote:

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

THE MEETING WAS THEREUPON OPENED AT 7:25 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 JASON GULA, 694 PEACH TREE LANE, WHO IS APPEALING THE DENIAL OF THE BUILDING OFFICIAL TO ISSUE A BUILDING PERMIT FOR 694 PEACH TREE LANE, GROSSE POINTE WOODS MICHIGAN, DUE TO NONCOMPLIANCE WITH SECTION 50-3.1.b OF THE ZONING ORDINANCE REGARDING REAR YARD SETBACKS. 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. Application to the Zoning Board of Appeals

2. Record of Neighbor Contact Form
3. House Drawing
4. Site Plan
5. Floor Plan
6. Building Permit Application
7. Building Permit/Receipt
8. Section 50-3.1.B of Zoning Ordinance
9. Memo 11/14/22 - Interim Building
10. Memo 11/16/22 - Director of Public Services
11. Affidavit of Legal Publication
12. Affidavit of Property Owners Notified
13. Parcel Map

The Building Official provided an overview of the Petitioner's request in accordance with his memo dated November 14, 2022.

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

- Jason Gula, 694 Peach Tree Lane
- Catherine Dumke

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 Koester, that the public hearing be closed at 7:33 p.m.

Motion carried by the following vote:

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

No: None

Absent: Vaughn

Motion by Granger, seconded by Gafa, regarding Zoning Board of Appeal: Jason Gula, 20085 W. Ballantyne Ct., Grosse Pointe Woods, MI, that City Council grant the variance with Section 50-3.1.B of the Zoning Ordinance and approve the extension of 2 feet into the rear yard setback of 694 Peach Tree Lane provided the petitioner demonstrates that all of the following conditions are met:

1. That strict compliance with the restrictions governing area, setbacks, frontage, height, bulk, density, and other similar items would unreasonably prevent the petitioner from using the property for a permitted purpose or would render conformity with said restrictions unnecessarily burdensome.
2. That a variance would do substantial justice to the petitioner as well as to other petitioners in the zoning district, or whether a lesser relaxation of the restrictions would give substantial relief to the petitioner and be more consistent with justice to others (i.e. are there other more reasonable alternatives).
3. That the plight of the petitioner is due to unique circumstances of the property.
4. That the petitioner's problem is not self-created.
5. That the spirit of this chapter will be observed, public safety and welfare secured, and substantial justice done.

Motion carried by the following vote:

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

The second Zoning Board of Appeals item (Council Item 8B) was called to order at 7:37 p.m. by Mayor Bryant.

Present Members: Brown, Bryant, Gafa, Granger, Koester, McConaghy
Absent: Vaughn

Also Present: City Administrator Schulte
Treasurer/Comptroller Murphy
City Attorney Walling
City Clerk Antolin
Assistant City Administrator Como
Director of Public Services Kowalski
Building Official Jackson

Motion by Granger, seconded by Koester, that all items on tonight's agenda (Council Agenda 8B) be received, placed on file, and taken in the order of appearance.

Motion carried by the following vote:

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

THE MEETING WAS THEREUPON OPENED AT 7:38 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 KEVIN CROWTHER AND ROBERT HAKOPIAN, 19483 MACK AVENUE, GROSSE POINTE WOODS, MI, WHO ARE APPEALING THE DENIAL OF THE BUILDING OFFICIAL TO ISSUE A BUILDING PERMIT DUE TO NONCOMPLIANCE WITH SECTION 50-4.27 OF THE ZONING ORDINANCE REGARDING PORTABLE STORAGE UNITS. 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. Application to the Zoning Board of Appeals
2. Photo
3. Receipt
4. Email 11/15/22 - James Crowther
5. Building Permit Application
6. Property Sketch
7. Section 50-4.27 of Zoning Ordinance
8. Memo 11/15/22 - Interim Building Official
9. Memo 11/17/22 - Fire Inspector
10. Memo 11/16/22 - Director of Public Services
11. Affidavit of Legal Publication

12. Affidavit of Property Owners Notified

13. Parcel Map

The Building Official provided an overview of the Petitioner's request in accordance with his memo dated November 15, 2022.

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

- Kevin Crowther, 19483 Mack 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 Gafa, seconded by Koester, that the public hearing be closed at 7:44 p.m.

Motion carried by the following vote:

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

No: None

Absent: Vaughn

Motion by McConaghy, seconded by Gafa, regarding Zoning Board of Appeal: Kevin Crowther and Robert Hakopian, 19483 Mack Avenue, Grosse Pointe Woods, MI, who are appealing the denial of the Building Official to issue a building permit due to noncompliance with Section 50-4.27 of the Zoning Ordinance regarding Portable Storage Units., that the Zoning Board of Appeals table this item until it is discussed at a future Committee-of-the-Whole meeting and if necessary moved to a Planning Commission meeting.

Discussion ensued regarding concerns of close proximity of the storage pod to the building and the recommendation of the fire inspector. The Building Official and City Attorney answered questions from the Board regarding procedures of tabling this item and possibly sending to the Planning Commission.

Motion carried by the following vote:

Yes: Brown, Bryant, Gafa, Koester, McConaghy

No: Granger

Absent: Vaughn

Nobody wished to be heard under New Business.

Nobody wished to be heard under Public Comment.

Motion by Gafa, seconded by Brown, that tonight's meeting minutes be immediately certified.

Motion carried by the following vote:

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

No: None

Absent: Vaughn

Motion by McConaghy, seconded by Koester, that tonight's meeting be adjourned at 7:54 p.m.
PASSED UNANIMOUSLY.

Respectfully submitted,

Paul P. Antolin
City Clerk