

CITY OF GROSSE POINTE WOODS
20025 Mack Plaza
Rescheduled City Council Meeting Agenda
Monday, November 26, 2018
7:00 p.m.

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. RECOGNITION OF COMMISSION MEMBERS
5. ACCEPTANCE OF AGENDA

6.	MINUTES	A.	City Council 11/19/18
7.	PUBLIC HEARING	A.	Fence Variance: Rebecca Augustyn, 902 Woods Lane <ol style="list-style-type: none">1. Letter 10/03/18 – R. Augustyn, 902 Woods Lane2. Site Plan3. Application for Fence 10/03/184. Memo 11/16/18 – Building Official5. Photo6. City Council Excerpt 08/20/18, w/agenda supporting documentation7. Affidavit of Property Owners Notified 11/16/188. Aerial Views (2)
8.	COMMUNICATIONS	A.	Monthly Financial Report – October 2018
9.	CLAIMS/ACCOUNTS	A.	Provencal Services <ol style="list-style-type: none">1. City of Grosse Pointe Farms Invoice No. 3293 11/12/18 - \$39,771.49.

10. NEW BUSINESS/PUBLIC COMMENT

11. ADJOURNMENT

Lisa Kay Hathaway, CMMC/MMC
City Clerk

IN ACCORDANCE WITH PUBLIC ACT 267 (OPEN MEETINGS ACT)
POSTED AND COPIES GIVEN TO NEWSPAPERS

The City of Grosse Pointe Woods will provide necessary, reasonable auxiliary aids and services, such as signers for the hearing impaired, or audio tapes of printed materials being considered at the meeting to individuals with disabilities. All such requests must be made at least five days prior to a meeting. Individuals with disabilities requiring auxiliary aids or services should contact the City of Grosse Pointe Woods by writing or call the City Clerk's office, 20025 Mack Plaza, Grosse Pointe Woods, MI 48236 (313) 343-2440 or Telecommunications Device for the Deaf (TDD) 313 343-9249.



COUNCIL
11-19-18 - 191

MINUTES OF THE REGULAR CITY COUNCIL MEETING OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, NOVEMBER 19, 2018, IN THE COUNCIL-COURT ROOM OF THE MUNICIPAL BUILDING, 20025 MACK PLAZA, GROSSE POINTE WOODS, MICHIGAN.

The meeting was called to order at 7:02 p.m. by Mayor Novitke.

Roll Call: Mayor Novitke
Council Members: Bryant, Granger, Koester, McConaghy, McMullen, Shetler
Absent: None

Also Present: Acting City Administrator/City Clerk Hathaway
City Attorney Chip Berschback
Treasurer/Comptroller Behrens
Director of Public Safety Kosanke

Council, Administration, and the audience Pledged Allegiance to the Flag.

The following Commission Members were in attendance:

Grant Gilezan, Planning Commission

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

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, McMullen, Novitke, Shetler
No: None
Absent: None

Motion by Bryant, seconded by Shetler, that the following minutes be approved as submitted:

1. City Council Minutes dated October 15, 2018.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, McMullen, Novitke, Shetler
No: None
Absent: None

Motion by Bryant, seconded by Granger, that the following minutes be approved as submitted:

1. Committee-of-the-Whole minutes dated October 22, 2018.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, McMullen, Novitke, Shetler
No: None
Absent: None

Motion by Koester, seconded by McConaghy, regarding **Winterfest budget**, that the City Council concur with the recommendation of the Citizen's Recreation Commission at their meeting held October 9, 2018, and the Committee-of-the-Whole at their meeting held October 22, 2018, and approve the Winterfest budget in an amount not to exceed \$4,500.00, funds to be taken from the Commission's budget.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, McMullen, Novitke, Shetler
No: None
Absent: None

Motion by Shetler, seconded by Granger, regarding **purchase Red Maple plugs**, that the City Council concur with the Tree Commission at their meeting held September 5, 2018, and approve the purchase of 325 Red Maple plugs at a total cost of \$969.37 from Vans Pines Nursery, funds to be taken from the Commission's budget.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, McMullen, Novitke, Shetler
No: None
Absent: None

Motion by Bryant, seconded by McConaghy, regarding **Application for Permit/License to Solicit**, that the City Council approve the application of Brian Benson, Budget Blinds of Grosse Pointe, for a Permit/License to Solicit.

The Chair stated this item is to be addressed at a future Committee-of-the-Whole. The intent would be for administration to issue a solicitor's permit rather than require Council approval. He asked the City Attorney to determine what, if any, discretion the City Council has on this issue, and is there any purpose for these applications to come to City Council.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, McMullen, Novitke, Shetler
No: None
Absent: None

The next item was regarding **resignations – Citizen's Recreation Commission**. City Council accepted the resignations of Bill Babcock and Mike Soviak from the Citizen's Recreation Commission with regret, and directed the City Clerk to forward thanks and recognition.

Motion by McMullen, seconded by Shetler, regarding **purchase: fire gear**, that the City Council approve the purchase of five (5) sets of fire gear from Apollo Fire Equipment in a total amount of \$12,865.00, funds to be taken from Operating Supplies – Fire Equipment Account No. 101-339-757.000.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, McMullen, Novitke, Shetler
No: None
Absent: None

Motion by Shetler, seconded by Granger, regarding **purchase: mobile data computers**, that the City Council approve the purchase of three (3) Latitude Rugged 5414 mobile data computers from Dell, Inc. in the amount of \$8,802.42 including docking stations, funds to be taken from Minor Equipment Fund Account No. 101-310-970.000.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, McMullen, Novitke, Shetler
No: None
Absent: None

Motion by Bryant, seconded by Shetler, regarding **Resolution – Michigan Regulation and Taxation of Marijuana Act (MRTMA)**, that the City Council adopt the Resolution as presented.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, McMullen, Novitke, Shetler
No: None
Absent: None

Motion by Bryant, seconded by Shetler, regarding **amendment to the Zoning Ordinance**, that the City Attorney be directed to prepare an amendment to the Zoning Ordinance, Chapter 50, making it clear that marijuana establishments are prohibited, and forward to the Planning Commission for their review at the meeting on January 22, 2019.

Motion carried by the following vote:

Yes: Bryant, Granger, McConaghy, McMullen, Novitke, Shetler
No: Koester
Absent: None

Motion by McConaghy, seconded by Bryant, regarding **Telecommunications Attorney – Kitch Drutchas Wagner Valitutti & Sherbrook**, that the City Council approve the following invoice dated September 30, 2018:

1. Invoice No. 435561 - \$1,050.00; Acct. No. 101-210-812.000.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, McMullen, Novitke, Shetler
No: None
Absent: None

Motion by Granger, seconded by Bryant, regarding **plumbing/mechanical inspections – McKenna**, that the City Council approve the following invoices:

1. Invoice No. 21849-4 10/12/18 - \$1,500.00; Acct. No. 101-180-818.000;
2. Invoice No. 21849-5 11/04/18 - \$1,500.00; Acct. No. 101-108-818.000.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, McMullen, Novitke, Shetler
No: None
Absent: None

Motion by Granger, seconded by Shetler, regarding **professional services – McKenna**, that the City Council approve the following invoice:

1. Invoice No. 21760-3 10/22/18 - \$400.00; Acct. No. 101-201-801.300.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, McMullen, Novitke, Shetler
No: None
Absent: None

Motion by Koester, seconded by Granger, regarding **audit services – Plante Moran**, that the City Council approve the following invoice dated October 26, 2018:

1. Invoice No. 1597164 - \$22,650.00:
 - a. Account No. 101-223-818.000 - \$7,250.00;
 - b. Account No. 101-136-818.000 - \$2,900.00;
 - c. Account No. 202-482-818.000 - \$2,000.00;
 - d. Account No. 203-482-818.000 - \$2,000.00;
 - e. Account No. 226-528-818.000 - \$2,000.00;
 - f. Account No. 365-993-818.000 - \$2,500.00;
 - g. Account No. 592-536-818.000 - \$2,000.00;
 - h. Account No. 632-854-818.000 - \$1,000.00;
 - i. Account No. 640-851-818.000 - \$1,000.00.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, McMullen, Novitke, Shetler
No: None
Absent: None

Motion by Granger, seconded by Bryant, regarding **actuarial services – Rodwan Consulting Co.**, that the City Council approve the following invoices dated October 26, 2018:

1. Invoice No. 2558 - \$1,200.00; Acct. No. 101-223-818.000;
2. Invoice No. 2559 - \$800.00; Acct. No. 101-223-818.000.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, McMullen, Novitke, Shetler
No: None
Absent: None

Motion by Bryant, seconded by Shetler, regarding **water main replacement project – Bidigare Contractors Inc.**, that the City Council approve the following invoices:

1. Pay Estimate No. 1 10/05/18 - \$240,353.14; Acct. No. 592-537-976.018;
2. Pay Estimate No. 2 11/09/18 - \$337,092.54; Acct. No. 592-537-976.018.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, McMullen, Novitke, Shetler
No: None
Absent: None

Motion by Shetler, seconded by Bryant, regarding **bond improvements, roofs and HVAC – Cross Renovations**, that the City Council approve the following invoice:

1. Invoice No. 4 10/26/18 - \$478,554.21; Acct. No. 420-902-977.101.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, McMullen, Novitke, Shetler
No: None
Absent: None

Motion by McMullen, seconded by Bryant, regarding **2018 Road Program – Florence Cement**, that the City Council approve the following invoice:

1. Pay Estimate No. 2 11/09/18 - \$220,323.55; Acct. No. 203-451-977.804.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, McMullen, Novitke, Shetler
No: None
Absent: None

Motion by Koester, seconded by Bryant, regarding **marina pedestal improvements – J. Ranck Electric, Inc.**, that the City Council approve the following invoice:

1. Pay Application No. 1 11/09/18 - \$86,475.60; Acct. No. 594-785-977.200.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, McMullen, Novitke, Shetler
No: None
Absent: None

Motion by McConaghy, seconded by Shetler, regarding **2018 Concrete Pavement Repair Program – L. Anthony Construction Inc.**, that the City Council approve the following invoices:

1. Pay Estimate No. 2 10/17/18 - \$58,613.85:
 - a. Account No. 202-451-974.200 - \$10,550.49;
 - b. Account No. 203-451-974.200 - \$22,859.40;
 - c. Account No. 592-537-975.400 - \$25,203.96.
2. Pay Estimate No. 3 11/09/18 - \$2,646.10:
 - a. Account No. 202-451-974.200 - \$476.29;

- b. Account No. 203-451-974.200 - \$1,031.98;
- c. Account No. 592-537-975.400 - \$1,137.83.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, McMullen, Novitke, Shetler
No: None
Absent: None

Motion by Granger, seconded by Shetler, regarding **parking lot improvements – S & J Asphalt Co.**, that the City Council approve the following invoices:

- 1. Pay Estimate No. 3 10/16/18 - \$154,851.87:
 - a. Account No. 401-902-977.101 - \$35,214.77;
 - b. Account No. 585-561-979.000 - \$119,637.10.
- 2. Pay Estimate No. 4 11/04/18 - \$54,354.30; Account No. 585-561-979.000.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, McMullen, Novitke, Shetler
No: None
Absent: None

Motion by Granger, seconded by McConaghy, regarding **City Engineers – Anderson, Eckstein & Westrick**, that the City Council approve the following invoices:

- 1. Invoice No. 0119169 09/17/18 - \$18,000.00; Acct No. 202-451-974.803;
- 2. Invoice No. 0119222 10/05/18 - \$666.60; Acct. No. 101-774-818.110;
- 3. Invoice No. 0119291 10/05/18 - \$1,800.00; Acct. No. 420-451-974.201;
- 4. Invoice No. 0119433 10/11/18 - \$3,851.15; Acct. No. 101-000-285.530;
- 5. Invoice No. 0119434 10/11/18 - \$1,561.15; Acct. No. 594-785-974.201;
- 6. Invoice No. 0119435 10/11/18 - \$22,606.85; Acct. No 592-537-977.410;
- 7. Invoice No. 0119436 10/11/18 - \$870.50; Acct. No. 640-851-818.000;
- 8. Invoice No. 0119539 10/16/18 - \$380.75; Acct. No. 101-441-818.000.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, McMullen, Novitke, Shetler
No: None
Absent: None

Motion by McConaghy, seconded by Bryant, regarding **legal services – WCA Assessing**, that the City Council approve the following invoices:

1. Invoice No. 100318/15863 10/03/18 - \$154.53; Acct. No. 101-210-801.301;
2. Invoice No. 100318/15797 10/03/18 - \$287.59; Acct. No. 101-210-801.301.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, McMullen, Novitke, Shetler
No: None
Absent: None

Motion by McConaghy, seconded by Shetler, regarding **assessing services – WCA Assessing**, that the City Council approve the following invoice:

1. Invoice No. 102318 10/23/18 - \$5,786.16; Acct. No. 101-224-818.000.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, McMullen, Novitke, Shetler
No: None
Absent: None

Motion by McConaghy, seconded by Granger, regarding **Labor Attorney – Keller Thoma**, that the City Council approve the following invoices:

1. Invoice No. 115233 11/01/18 - \$1,881.25; Acct. No. 101-210-810.000;
2. Invoice No. 115287 11/01/18 - \$87.50; Acct. No. 101-210-810.000.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, McMullen, Novitke, Shetler
No: None
Absent: None

Motion by McConaghy, seconded by Granger, regarding **City Attorneys**, that the City Council approve the following invoices:

1. Don R. Berschback 10/31/18 - \$3,485.00:
 - a. Acct. No. 101-210-801.000 - \$2,720.00;
 - b. Acct. No. 101-210-801.100 - \$765.00.
2. Charles T. Berschback 10/31/18 - \$4,782.50:
 - a. Acct. No. 101-210-801.000 - \$3,487.50;
 - b. Acct. No. 101-210-801.100 - \$1,275.00;
 - c. Acct. No. 101-210-801.000 - \$20.00.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, McMullen, Novitke, Shetler
No: None
Absent: None

The following item was heard under Public Comment:

- Mary Rogers from The Avenue in the Woods Business Association provided an update regarding current activities completed for establishing the Association. The Chair indicated their letter requesting certain items will be discussed at the Committee-of-the-Whole on December 10, 2018.

Motion by Granger, seconded by Koester, to adjourn tonight's meeting at 7:40 p.m.
PASSED UNANIMOUSLY.

Respectfully submitted,

Lisa Kay Hathaway
City Clerk

Robert E. Novitke
Mayor

Rebecca Augustyn
902 Woods Lane
Grosse Pointe Woods, MI 48236

October 3, 2018

City of Grosse Pointe Woods
20025 Mack Plaza
Grosse Pointe Woods, MI 48236

Dear GPW City Council Members,

SUBJECT: Request for fence variance

Our family of four moved to Grosse Pointe Woods on September 11, 2016. This past summer, I reached out to my adjacent neighbors to notify them of my proposal to replace our fence. Kathleen & Salvatore Ciaramitaro, who live behind me, agreed that the fence needed to be replaced and offered financial support; as did our neighbors, Soula & Pat Burns. My third adjacent neighbors, Barb and John Earl, were unreachable all summer which prevented me from discussing the fence proposal with them. My understanding is that they go to their summer cabin in northern Michigan for the summer. I attempted to reach out to them via phone and left voicemails with no return call. I also reached out to their daughter, via text, in attempt to discuss the fence with Mrs. and/or Mr. Earl.

During the months of July and August, I followed the proper guidelines and requirements requesting an exception to Ordinance #871 to allow me to install a 6-foot fence. I presented my fence variance during the city council meeting on Monday, August 20, 2018, and the council approved a 6' cedar shadowbox fence to be placed at the entire rear perimeter (including two gates at each side 10' back from the front). At that time, I did not know the existing fence on the east side of the property is owned by my neighbors, as I could not reach them.

After finally speaking with Mr. Earl, he made it clear that he does not want the fence removed; which is a 20-year-old, 4-foot, dilapidated fence that is the only barrier between my small children and his pool. Therefore, I am requesting to appeal the ordinance as indicated in Section 8-279 (5) 'No fence shall be erected adjacent to another fence'. I am seeking approval from the council to erect a brand new 6-foot cedar shadowbox fence on my property, adjacent to my neighbors existing fence. The safety and well-being of my children is still my number one concern regarding this matter.

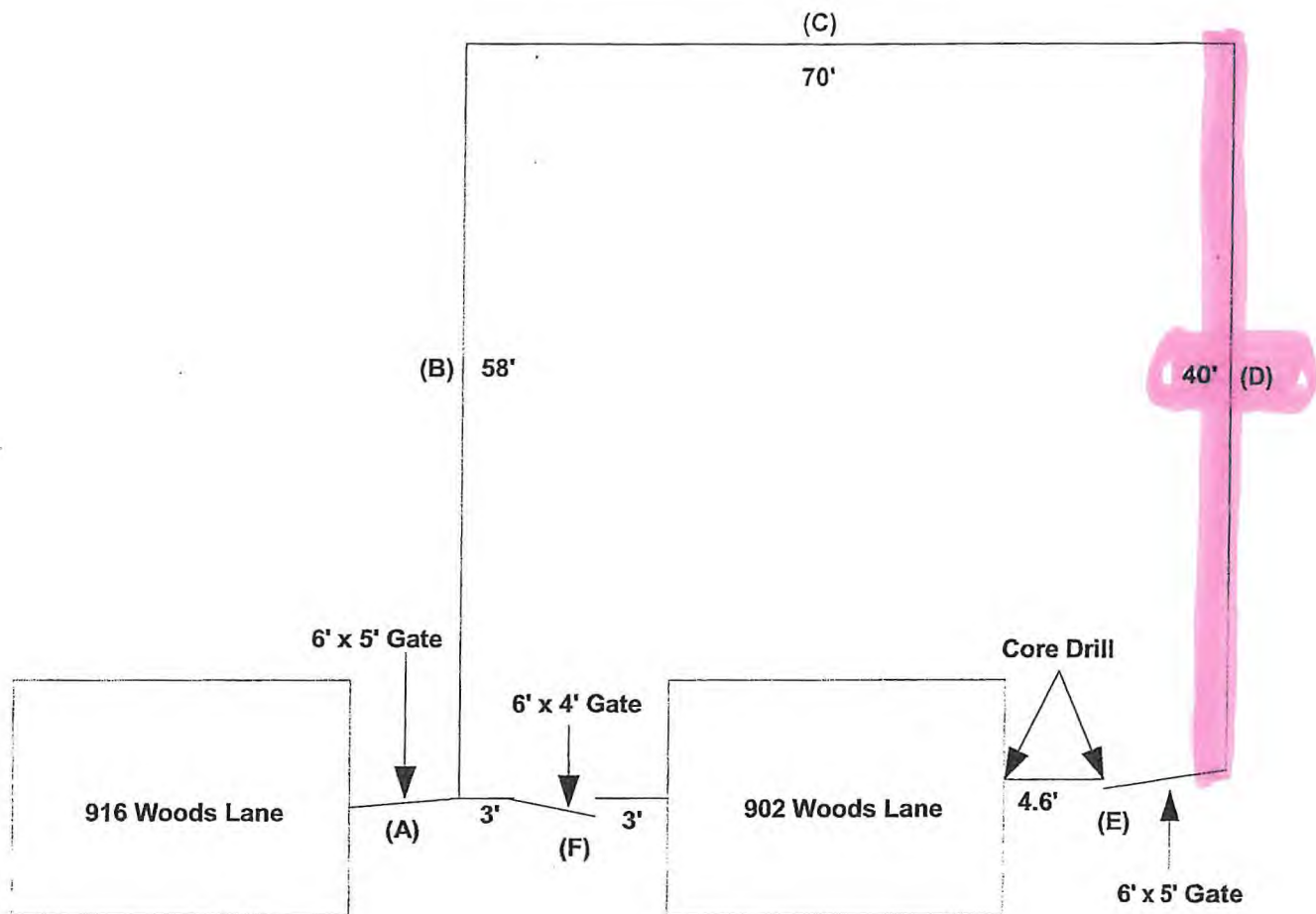
I appreciate your time spent reviewing and considering my request.

Respectfully,

Rebecca Augustyn

Rebecca Augustyn

7A
RECEIVED
OCT 03 2018
CITY OF GROSSE POINTE WOODS
BUILDING DEPT



NAME: AGUSTYN
4' or 6' Cedar Shadow Box Dog Ear Fence

RUSH!

FENCE PERMIT FEE (includes 1 open post hole/s inspection) - \$50
REINSPECTION FEE - \$50



CITY OF GROSSE POINTE WOODS

Building Department
20025 Mack Plaza
Grosse Pointe Woods, MI 48236
313.343.2426 / building@gpwmil.us

RECEIVED

OCT 08 2018

CITY OF GROSSE PTE. WOODS
BUILDING DEPT

Application For Fence
(Zoning Compliance Permit)
In Compliance With Article IX - Fences (Recent Ord Chg #871 eff 1/8/17)

PROVIDE: 1) Mortgage survey/site plan with highlighted area where fence is to be placed;
and, 2) Brochure/picture of proposed fence to be installed.

Fence Placement Address: 902 Woods Ln

Owner's Name: Rebecca Augustyn Owner's Address: 902 Woods Ln

Owner's Phone #: 586-292-0678 Owner's e-mail: augustyn.ra@gmail.com

Contractor: All Pointes Fencing Plus LLC Phone: 313-821-8812

Address: 1458 Maryland St GPP MI 48230 e-mail: _____

Height of Fence: 6ft Length of Fence: 40'

Style of Fence: cedar wood shadowbox

Material of Fence: _____ Wood ☒ _____ Metal _____ Vinyl

Location of Fence east side yard - requesting to appeal fence on fence. Neighbor has existing fence.

By affixing my signature hereto, I certify that I am the owner or acting as the owner's agent, and I understand the regulations pertaining to the erection of a fence as described in Ordinance Sections #8-274 thru 8-284. The City of Grosse Pointe Woods does not guarantee the accuracy of the property lines as described herein, the accurate location of all property lines is the responsibility of the owner or owner agent.

Rebecca A Augustyn
Signature of Owner or Agent

10/3/18

Date

Office Use Only

Approved

Denied

CoA.

10/8/18

Building Inspector's Signature

Date

01-08-17

FENCE ON FENCE 8-279 (5)

NEED NEW DRAWINGS SITE PLAN

**CITY OF GROSSE POINTE WOODS
BUILDING DEPARTMENT
MEMORANDUM**

RECEIVED
NOV 19 2018
CITY OF GROSSE POINTE WOODS

DATE: November 16, 2018
TO: Mayor & City Council
FROM: Gene Tutag, Building Official /GT
SUBJECT: 902 Woods Lane, Fence Variance

The applicant is requesting a variance of Section 8-279(5) of the city's fence ordinance which prohibits a fence to be erected adjacent to an existing fence. The site plan and application submitted shows a 40' x 6' tall shadow box fence being installed adjacent to an existing 4' tall wood shadow box fence along the east property line. A variance has been previously granted to allow a 6' tall fence in this location.

The applicant has provided correspondence outlining the reasons for the variance dated October 3, 2018. The applicant has previously stated during the initial variance hearing on August 20, 2018 that neighbors on both sides of them have built-in pools and they are concerned that a 4' tall fence will not provide enough of a deterrent to keep their children out of the yards. They also indicate the neighbors with the pools support the variance due to the safety concerns. However, this statement is not entirely accurate after speaking with the owner to the east at 884 Woods Lane. He indicated to me that he was not notified of the proposed fence installation by the petitioner and did not receive notice of the appeal from the City, and if he had been made aware he would have objected to the fence and variance. He does not want his existing fence removed and replaced with one 6' tall.

I had a subsequent meeting with Mr. Earl, the owner of 884 Woods Lane. He indicated to me that he did not want his existing 4' tall fence removed and was not supportive of a 6' tall fence. However, in the interest of being a good neighbor he could live with a 5' tall fence. I reached out to the petitioner with this compromise and she rejected the proposal.

This exception to the fence code requires a public hearing and approval from the City Council. The City Council may consider any or all of the following, along with other information when deciding a variance:

- (a) Balancing the relative hardships between the property owner and adjacent property owners.
- (b) Whether special circumstances or conditions exist.
- (c) Whether pedestrian or vehicle traffic will be affected.
- (d) The general health, safety and welfare of the neighborhood.

A reasonable solution negating the need for a variance was proposed by the adjoining property owner that would have negated the need for a variance. A fence on a fence condition is unsightly for the neighbor and will result in an area that is extremely difficult to control weeds and the fence's maintenance.

After review of the application and inspection of the property, it is recommended that a variance of Section 8-279(5) not be granted allowing for the installation of the proposed 6' tall shadowbox fence resulting in a fence on fence situation as indicated on the attached sketch.

APPROVED BY:


LISA K. HATHAWAY
Acting City Administrator

11-19-18
DATE



THE MEETING WAS THEREUPON OPENED AT 7:05 P.M. FOR A PUBLIC HEARING IN ACCORDANCE WITH CHAPTER 8, BUILDINGS AND BUILDING REGULATIONS, ARTICLE IX, FENCES, TO HEAR THE APPLICATION OF REBECCA AUGUSTYN, 902 WOODS LANE, GROSSE POINTE WOODS, FOR PERMISSION TO ERECT A 6' WOOD SHADOWBOX PRIVACY FENCE ALONG THE NORTH AND EAST/WEST PROPERTY LINES OF THE PROPERTY LOCATED AT 902 WOODS LANE, WHICH IS NONCOMPLIANT WITH SECTIONS 8-281 AND 8-282(1) OF THE CITY CODE. VARIANCES ARE THEREFORE REQUIRED.

Motion by Granger, seconded by Bryant, that for purposes of the public hearing the following items be received and placed on file:

1. Letter 07/23/18 – R. Augustyn
2. Application for Fence 07/24/18
3. Site Plan
4. Photos (3)
5. Memo 08/13/18 – Building Inspector
6. Photos (5)
7. Memo 08/06/18 – Director of Public Services
8. Affidavit of Legal Publication
9. Aerial Views (2)

Motion carried by the following vote:

Yes: Bryant, Granger, Ketels, Koester, McConaghy, Novitke, Shetler

No: None

Absent: None

The Building Official provided an overview in accordance with his memo dated August 13, 2018, and recommended approval of these variances based on the special circumstances that exist.

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

Rebecca Augustyn
902 Woods Lane

Soula Burns
916 Woods Lane

The Chair asked if anyone from the audience wished to speak in opposition to the proposed request. No one wished to be heard.

Motion by Bryant, seconded by Granger, that the public hearing be closed at 7:10 p.m. PASSED UNANIMOUSLY.

Motion by Granger, seconded by McMullen, regarding Public Hearing: Rebecca Augustyn, 902 Woods Lane, that City Council grant the variance requests of Rebecca Augustyn, 902 Woods Lane, to install a 6' shadowbox fence across the rear and east/west side yards of the rear yard property due to the special circumstances that exist caused by the in-ground pool installations at both neighbor's homes causing a special circumstance relative to general health, safety, and welfare of the neighborhood.

Motion carried by the following vote:

Yes: Bryant, Granger, Koester, McConaghy, Novitke, Shetler

No: McMullen

Absent: None

81A

Rebecca Augustyn
902 Woods Lane
Grosse Pointe Woods, MI 48236

July 23, 2018

City of Grosse Pointe Woods
20025 Mack Plaza
Grosse Pointe Woods, MI 48236

Dear GPW City Council Members,

SUBJECT: Request for fence variance

Our family of four moved to Grosse Pointe Woods two years ago, and we love and support the GPW community. We are grateful that we live in a city that prioritizes the safety and well-being of its citizens.

With that being said, I want to do all that I can to ensure that my 3-year old son and 6-year old daughter have a safe outdoor yard to play in. Given that our neighbors on both sides of us have in-ground swimming pools, a crucial measure in safeguarding my children from a potential drowning scare or accident is by way of installing a fence that they will be unable to climb.

At my son's last doctor's appointment, he was measured at 3'1". A 4-foot fence simply would not provide enough height to deter a successful climb into either neighbor's yard and would not entirely eliminate the risk of drowning, which, according to the Center for Disease Control is the second leading cause of death for children between the ages of 1 and 4. Also, according to the Michigan Department of Health and Human Services, "drowning is the number two cause of accidental death for children ages 14 and under," and finally, according to the Consumer Product Safety Commission (CPSC), "for children ages five and under, close to 350 drown in residential swimming pools each year."

As indicated in Section 8-284, the GPW City Council may grant exceptions to the 4-foot Fence Ordinance #871 under "special circumstances" pertaining to the "the general health, safety, and welfare of the neighborhood." I urge you to acknowledge that my children's perpetual risk of drowning constitutes a "special circumstance" pertaining to the "safety" of the neighborhood. Therefore, I ask that you make an exception to Ordinance #871 and allow me to install a 6-foot fence in my rear and side yards.

I have two adjacent neighbors, Soula & Pat Burns and Kathleen & Salvatore Ciaramitaro, whom support the installation of a 6-foot fence due to the safety concerns I have outlined in this letter.

I appreciate your time spent reviewing and considering my request.

Respectfully,

Rebecca Augustyn

Rebecca Augustyn

FENCE PERMIT FEE (includes 1 open post hole/s inspection) - \$50
REINSPECTION FEE - \$50



CITY OF GROSSE POINTE WOODS

Building Department
20025 Mack Plaza
Grosse Pointe Woods, MI 48236
313.343.2426 / building@gpwmil.us

Application For Fence (Zoning Compliance Permit) In Compliance With Article IX – Fences (Recent Ord Chg #871 eff 1/8/17)

PROVIDE: 1) Mortgage survey/site plan with highlighted area where fence is to be placed;
and, 2) Brochure/picture of proposed fence to be installed.

Fence Placement Address: 902 Woods Ln
Owner's Name: Rebecca Augustyn Owner's Address: 902 Woods Ln
Owner's Phone #: 586-292-0678 Owner's e-mail: augustyn.ra@gmail.com

Contractor: All Pointers Fencing Plus LLC Phone: 313-821-8812
Address: 1456 Maryland St GPP, MI 48230 -mail: _____

Height of Fence: 6ft Length of Fence: 168ft
Style of Fence: Wood shadowbox
Material of Fence: _____ Wood ☒ _____ Metal ☐ _____ Vinyl ☐
Location of Fence: side + rear yard

By affixing my signature hereto, I certify that I am the owner or acting as the owner's agent, and I understand the regulations pertaining to the erection of a fence as described in Ordinance Sections #8-274 thru 8-284. The City of Grosse Pointe Woods does not guarantee the accuracy of the property lines as described herein, the accurate location of all property lines is the responsibility of the owner or owner agent.

Rebecca A Augustyn
Signature of Owner or Agent

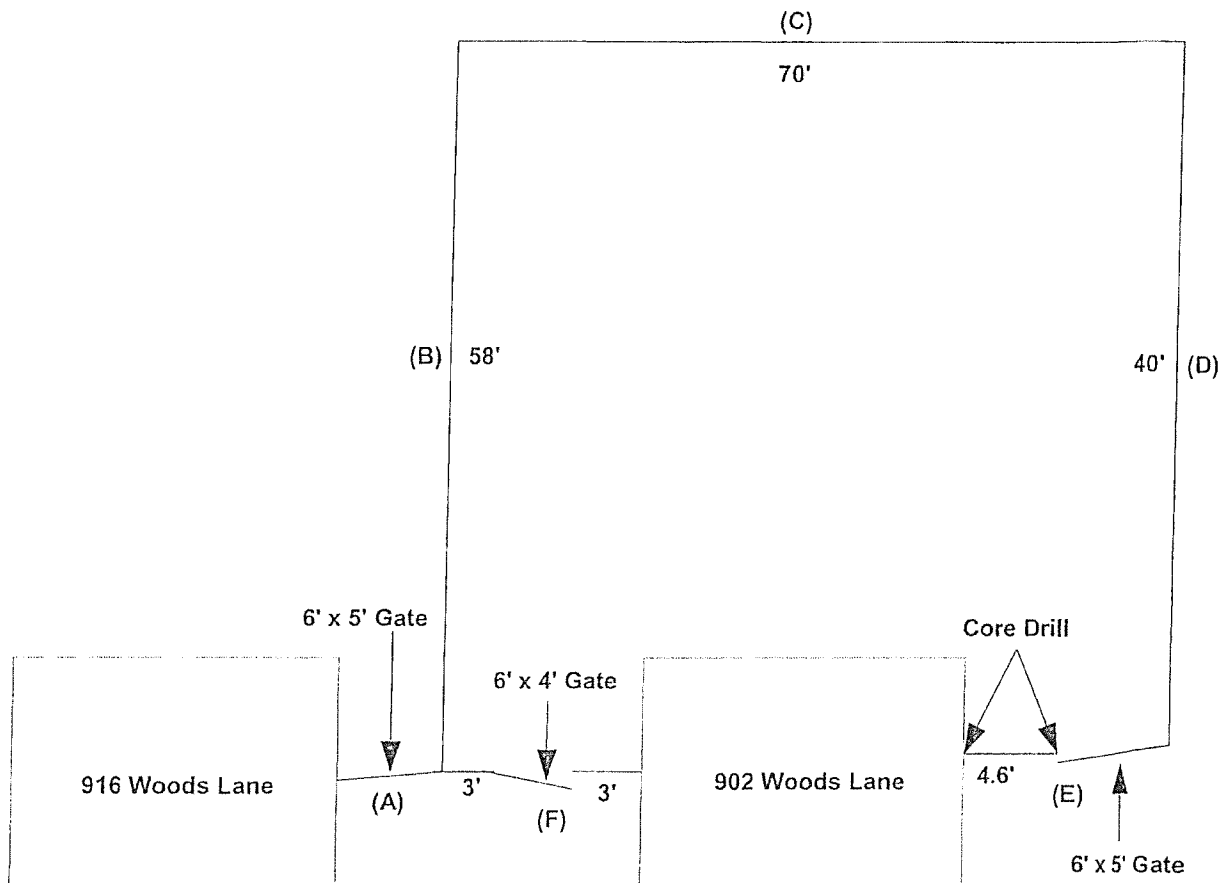
7/24/18
Date

Office Use Only

Approved _____ Denied X
[Signature]
Building Inspector's Signature _____ Date _____

01-08-17

Sect - 8-281 REAR yard fence MAX 4' 6" shown
Cent - 2-222/11



7/24/2018

20141017_162301.jpg



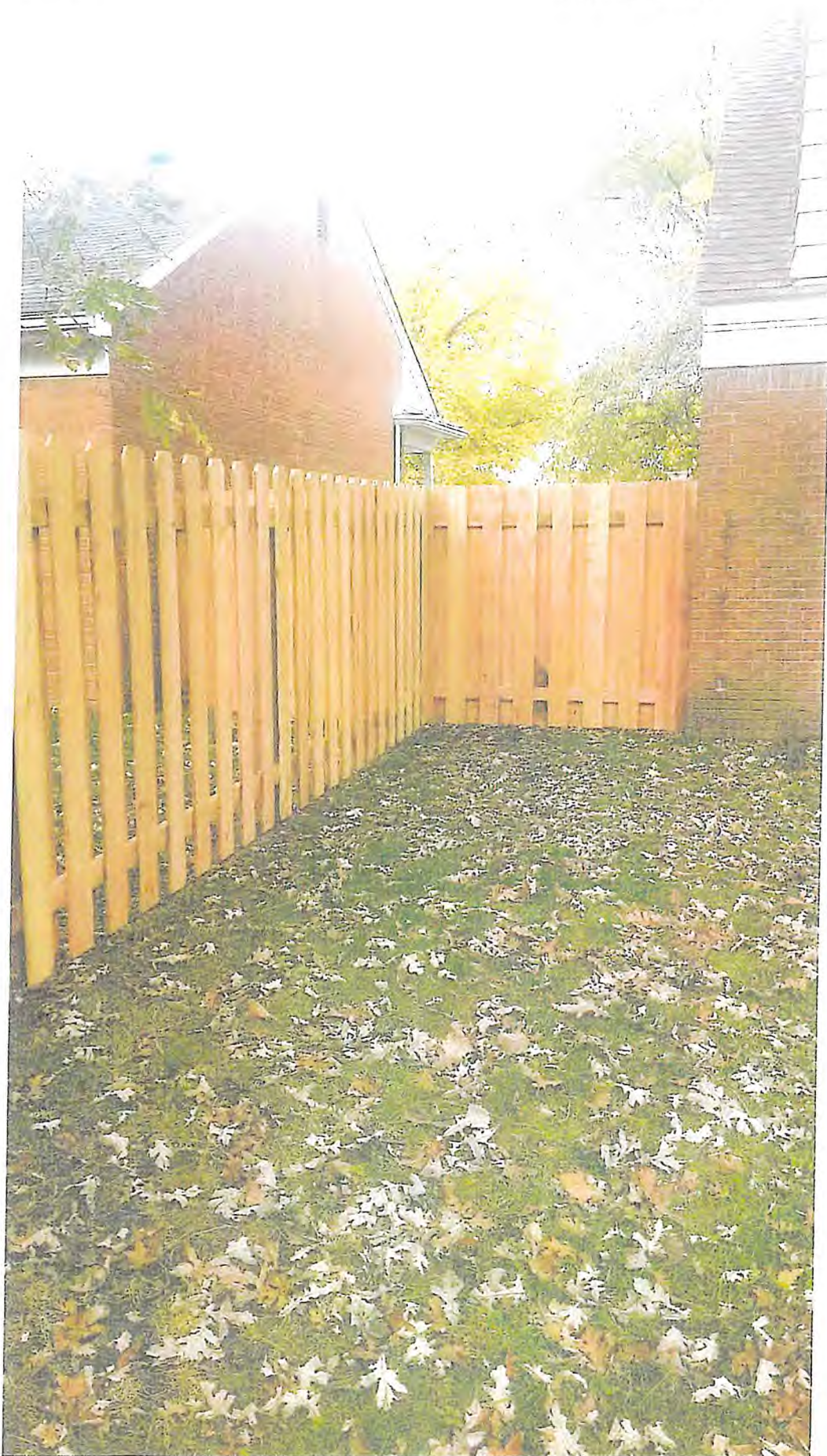
7/24/2018

20141017_162320.jpg



7/24/2018

20141017_162455.jpg



**CITY OF GROSSE POINTE WOODS
BUILDING DEPARTMENT
MEMORANDUM**

RECEIVED
AUG 13 2018
CITY OF GROSSE PTE. WOODS

DATE: August 13, 2018
TO: Mayor and City Council
FROM: Gene Tutag, Building Inspector *GT*
SUBJECT: 902 Woods Lane, Fence Variance

The applicant is requesting a variance of Sections 8-281 and 8-282(1) of the City's fence ordinance which limits the height of rear yard and side yard fences on interior lots to a maximum height of 4 feet above grade. The proposed 168 feet of shadowbox fence as shown on the application and site plan is 6' high across the rear and side yards of the property.

The applicant's property is a well-maintained home on an interior lot on the north side of Woods Lane.

This exception to the fence code requires a public hearing and approval from the City Council. The City Council may consider any or all of the following, along with the other information when deciding a variance:

- (a) Balancing the relative hardships between the property owner and adjacent property owners;
- (b) Whether special circumstances or conditions exist;
- (c) Whether pedestrian or vehicle traffic will be affected; and
- (d) The general health, safety and welfare of the neighborhood.

The applicant has provided correspondence outlining the reasons for the variance dated July 12, 2018. The applicant states that neighbors on both sides of them have built-in pools and they are concerned that a 4 foot tall fence will not provide enough of a deterrent to keep their children out of the yards. They also indicate the neighbors with the pools support the variance due to the safety concerns.

After review of the application and inspection of the property, it is recommended that a variance of Section 8-281 and 8-282(1) be granted allowing for the installation of the proposed 6 foot tall shadowbox fence as indicated on the attached sketch. The neighbor's in-ground swimming pools are a safety concern of the applicant. There does appear to be special circumstances relative to the general health, safety and welfare that exist which would justify the grant of this variance.

APPROVED BY:



BRUCE SMITH
City Administrator

Aug. 13, 2018

DATE



WEST SIDE
CYCLONE



EAST SIDE



- WEST FRONT WOOD



REAR



REAR

MEMO 18- 61

TO: Lisa Hathaway, City Clerk
FROM: Frank Schulte, Director of Public Services
DATE: August 6, 2018
SUBJECT: Variance – Fence at 902 Woods

RECEIVED
AUG - 6 2018
CITY OF GROSSE PTE. WOODS

I have reviewed the application from the resident Rebecca Augustyn requesting a fence variance at 902 Woods Lane the fence variance will have no impact on the Department of Public Works or utilities.

Please contact me if you have any questions.

cc Gene Tutag
O/F

jd

AFFIDAVIT OF PROPERTY OWNERS NOTIFIED

Re: 902 Woods Ln
Rebecca Augustyn

State of Michigan)
) ss.
County of Wayne)

I HEREBY CERTIFY that the notice of Hearing was duly mailed First Class Mail on 8/13/18 to the following property owners within a 3 foot radius of the above property in accordance with the provisions of the 2012 City Code of Grosse Pointe Woods. A Hearing fee of \$75.00 has been received with receipt # 310854.

Lisa Kay Hathaway, CMMC/MMC
City Clerk

See attached document for complete list.

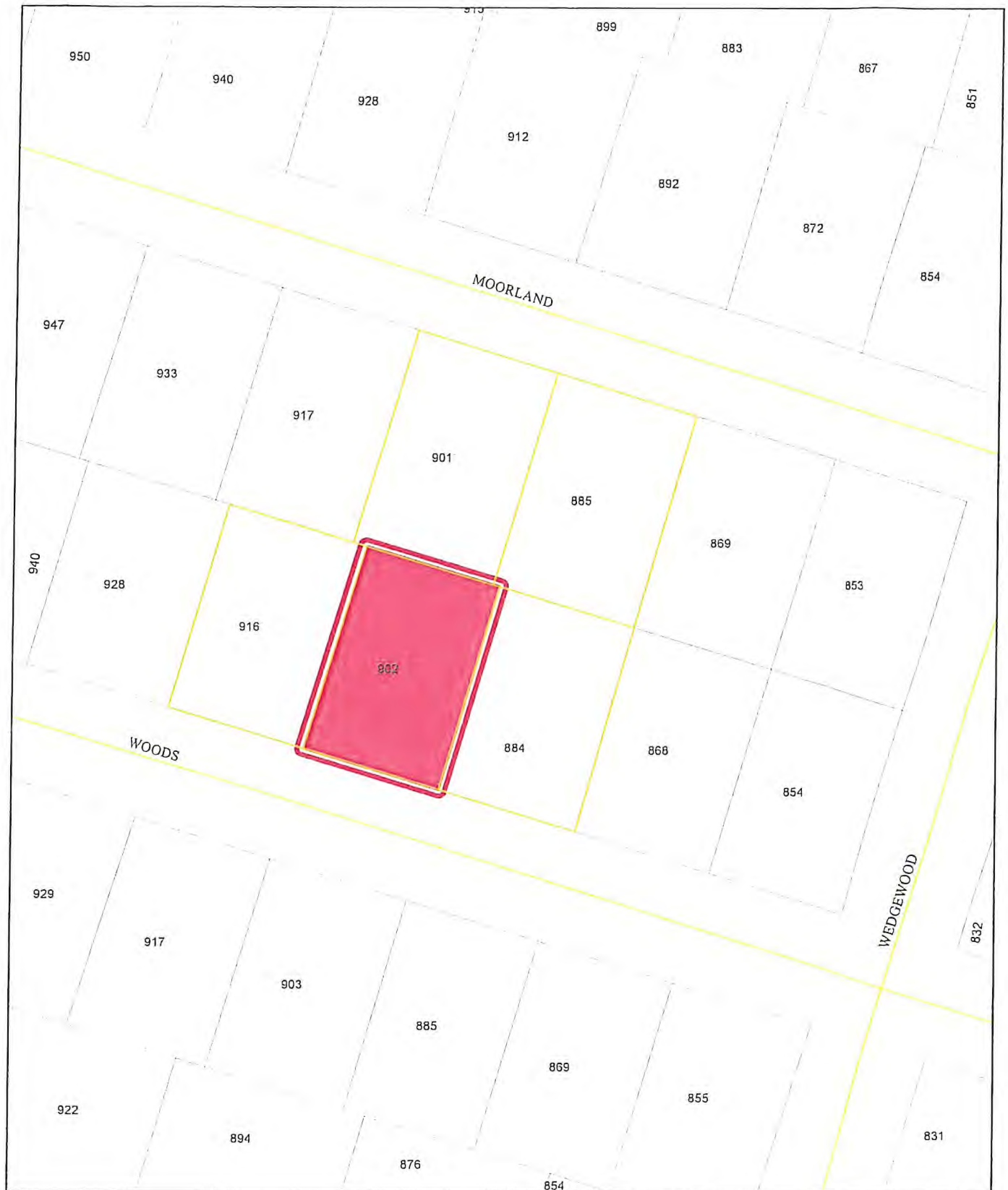
City of Grosse Pointe Woods, Michigan

NOTICE IS HEREBY GIVEN that in accordance with Chapter 8, Buildings and Building Regulations, Article IX, Fences of the 2017 City Code of the City of Grosse Pointe Woods, Sections 8-284(a)(2) Exceptions and 8-284(b) Public Hearing, the City Council will hold a public hearing in the Council-Court Room of the Municipal Building, 20025 Mack Plaza, on Monday, August 20, 2018, at 7:00 p.m. to hear the request of Rebecca Augustyn, 902 Woods Lane, Grosse Pointe Woods, MI, who is seeking approval of variances for the property located at 902 Woods Lane, to permit installation of a 6' cedar dog eared shadow box privacy fence along north and east/west property lines. The fence application will require variances in accordance with Sections 8-281 *Rear yard fences shall be constructed to a maximum height of four feet from the property grade line*, and 8-282(1) *Side yard fences shall be constructed to a maximum height of four feet from the property grade line*, therefore variances are required. The fence application materials are open for public scrutiny. All interested parties are invited to attend.

Lisa Kay Hathaway
City Clerk

902 Woods Ln - 3' Radius

ownersname	ownersna_1	ownerstree	ownercity	ownerstate	ownerzipco	propertyst
CIARAMIATARO SALVATORE M		901 MOORLAND DR	GROSSE POINTE WOODS	MI	48236	901 MOORLAND DR
SHAHEEN ALBERT		885 MOORLAND DR	GROSSE POINTE WOODS	MI	48236	885 MOORLAND DR
BURNS SOULA K		916 WOODS LN	GROSSE POINTE WOODS	MI	48236	916 WOODS LN
AUGUSTYN DEREK J & REBECCA A		902 WOODS LN	GROSSE POINTE WOODS	MI	48236	902 WOODS LN
EARL JONATHAN	EARL BARBARA	884 WOODS LN	GROSSE POINTE WOODS	MI	48236	884 WOODS LN



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 *ALL RIGHTS RESERVED



INFORMATION TECHNOLOGY DEPARTMENT
 Geographic Information Systems (GIS) Division

Subject: 902 Woods Ln

Date: 8/13/2018





AFFIDAVIT OF PROPERTY OWNERS NOTIFIED

Re: 902 Woods Lane

Rebecca Augustyn

State of Michigan)
) ss.
County of Wayne)

I HEREBY CERTIFY that the notice of Hearing was duly mailed First Class Mail on 11/16/18 to the following property owners within a 3 foot radius of the above property in accordance with the provisions of the 2012 City Code of Grosse Pointe Woods. A Hearing fee of \$75.00 has been received with receipt # 321118.

Lisa Kay Hathaway, CMMC/MMC
City Clerk

See attached document for complete list.

City of Grosse Pointe Woods, Michigan

NOTICE IS HEREBY GIVEN that in accordance with Chapter 8, Buildings and Building Regulations, Article IX, Fences of the 2017 City Code of the City of Grosse Pointe Woods, Sections 8-284(a)(2) Exceptions and 8-284(b) Public Hearing, the City Council will hold a public hearing in the Council-Court Room of the Municipal Building, 20025 Mack Plaza, on Monday, November 26, 2018, at 7:00 p.m. to hear the request of Rebecca Augustyn, 902 Woods Lane, Grosse Pointe Woods, MI, who is seeking approval of a variance for the property located at 902 Woods Lane, to permit installation of a 6' cedar dog eared shadow box privacy fence along north and east/west property lines. The fence application will require a variance in accordance with Section 8-279(5) *General Requirements and Maintenance - No fence shall be erected adjacent to another fence*, therefore a variance is required. The fence application materials are open for public scrutiny. All interested parties are invited to attend.

Lisa Kay Hathaway
City Clerk

902 Woods Lane - 3' Radius

ownersname	Ownersname2	ownerstree	ownercity	ownerstate	ownerzipco
CIARAMITARO SALVATORE M	SALVATORE M CIARAMITARO	901 MOORLAND DR	GROSSE POINTE WOODS	MI	48236
SHAHEEN ALBERT	ALBERT SHAHEEN	885 MOORLAND DR	GROSSE POINTE WOODS	MI	48236
BURNS SOULA K	SOULA K. BURNS	916 WOODS LN	GROSSE POINTE WOODS	MI	48236
AUGUSTYN DEREK J & REBECCA A	DEREK & REBECCA AUGUSTYN	902 WOODS LN	GROSSE POINTE WOODS	MI	48236
EARL JONATHAN	JONATHAN & BARBARA EARL	884 WOODS LN	GROSSE POINTE WOODS	MI	48236



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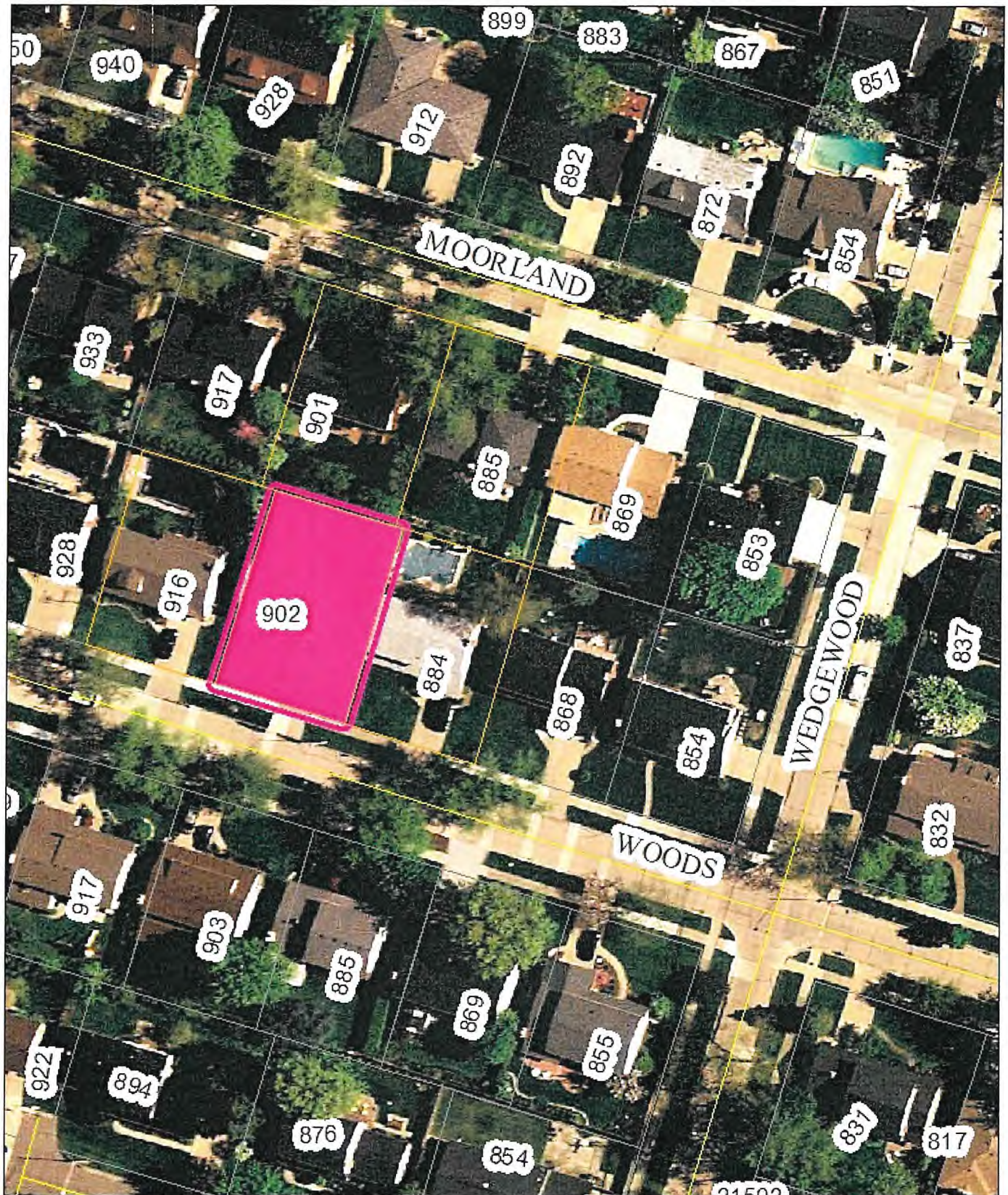


INFORMATION TECHNOLOGY DEPARTMENT
 Geographic Information Systems (GIS) Division

Subject: 802 Woods Lane

Date: 11/16/18





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INFORMATION TECHNOLOGY DEPARTMENT
Geographic Information Systems (GIS) Division

Subject: 902 Woods Lane

Date: 11/16/18



**City of Grosse Pointe Farms**90 Kerby Rd
Grosse Pointe Farms, MI 48236**RECEIVED**
NOV 16 2018
CITY OF GROSSE PTE. WOODS**INVOICE**

CIA

Customer #:	GPW TAX
Invoice Number:	0000003293
Service Date:	11/12/2018
Invoice Date:	11/12/2018
Terms:	NET 30
Due Date:	12/12/2018
Balance Due:	\$39,771.49

CITY OF GROSSE POINTE WOODS
ATTENTION: SHAWN MURPHY
20025 MACK PLAZA
GROSSE POINTE WOODS, MI 48236

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1.000	MUNICIPAL SERVICES	39,771.49	\$39771.49

226-528-818.000

11/16/2018

C. Schuss

Shawn Murphy

NOTES: FOR PROPERTIES ON PROVENCAL IN GROSSE POINTE WOODS FOR THE PERIOD OF 07/01/2018 TO 06/30/2019

PLEASE MAKE CHECKS PAYABLE TO: CITY OF GROSSE POINTE FARMS

Total Invoice:	\$39771.49
Credits Applied:	\$0.00
Payments Applied:	\$0.00
Invoice Balance:	\$39,771.49

Please keep top portion for your records

Please detach bottom portion and return with payment

REMIT PAYMENT TO:
CITY OF GROSSE POINTE FARMS
90 KERBY RD
GROSSE POINTE FARMS, MI 48236

Customer ID:	GPW TAX
Invoice Number:	0000003293
Service Date:	11/12/2018
Invoice Date:	11/12/2018
Terms:	NET 30
Due Date:	12/12/2018
Balance Due:	\$39,771.49

CUSTOMER:
CITY OF GROSSE POINTE WOODS
INVOICE DESCRIPTION:
MUNICIPAL SERVICES\$ _____
AMOUNT PAID

CITY OF GROSSE POINTE WOODS
PROVENCAL PROPERTIES
2018

<u>ADDRESS</u>	<u>BLDG SEV</u>	<u>TAXES</u>
306 Provencal	\$ 694,200	\$10,378.29
320 Provencal	\$ 223,300	\$3,338.34
330 Provencal	\$ 396,900	\$5,933.66
338 Provencal	\$ 488,800	\$7,307.56
344 Provencal	\$ 484,500	\$7,243.28
348 Provencal	\$ 170,400	\$2,547.48
350 Provencal	\$ 202,200	\$3,022.89
	<u>\$ 2,660,300</u>	<u>\$39,771.49</u>

2018 Tax Rate:	\$14.95
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