

MINUTES OF THE ZONING BOARD OF APPEALS MEETING OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, AUGUST 1, 2011, IN THE COUNCIL-COURT ROOM OF THE MUNICIPAL BUILDING, 20025 MACK PLAZA, GROSSE POINTE WOODS, MICHIGAN.

The meeting was called to order at 7:35 p.m. by Mayor Novitke.

Roll Call: Mayor Novitke
Council members: Bryant, Granger, Howle, Ketels, McConaghy, Sucher
Absent: None

Also Present: City Administrator Fincham
City Attorney Don Berschback
City Clerk Hathaway
Director of Public Services Ahee
Building Inspector Tutag

THE MEETING WAS THEREUPON OPENED AT 7:35 P.M. FOR A ZONING BOARD OF APPEAL HEARING UNDER THE PROVISIONS OF CHAPTER 50, ZONING. SECTION 50-370, PERMITTED USES OF THE 2007 CITY CODE TO HEAR THE APPEAL OF **GROSSE POINTE NEIGHBORHOOD CLUB THRIFT SHOP**, 19483 MACK, GROSSE POINTE WOODS, MI, WHICH IS APPEALING THE DENIAL OF THE BUILDING INSPECTOR TO ISSUE A BUILDING PERMIT DUE TO NONCOMPLIANT USE, WHICH LIMITS THE SALE OF USED OR SECOND HAND GOODS TO NO MORE THAN 25% OF SUCH GOODS IN THIS DISTRICT. A VARIANCE IS THEREFORE REQUIRED.

Motion by Granger, seconded by Howle, 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, Howle, Ketels, McConaghy, Novitke, Sucher
No: None
Absent: None

The Building Official provided an overview.

Motion by Granger, seconded by Howle, that for purposes of the Zoning Board of Appeal hearing, the following items be received and placed on file, Items 4A:

1. Request for Variance Rec'd 06/27/11
2. Application to the Zoning Board of Appeals 06/21/11

3. Memo 07/25/11 – Building Official
4. Planning Commission Excerpt 05/24/11
5. Photos (2)
6. Letter 07/27/11 – City Attorney
7. Affidavit of Legal Publication 07/14/11
8. Affidavit of Legal Publication 07/15/11
9. Affidavit of Property Owners Notified
10. Aerial Views 07/14/11 (2)

Motion carried by the following vote:

Yes: Bryant, Granger, Howle, Ketels, McConaghy, Novitke, Sucher
No: None
Absent: None

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

Sharon Mannino

Kristina Ziebron
Resident, Grosse Pointe Woods

Patricia Prinkert
Grosse Pointe Farms

Chris Kozias
Broker/Owner, Real Estate in the Pointes

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

Tracey Ragland
1613 Severn

Motion by McConaghy, seconded by Ketels, that the public hearing BE CLOSED at 7:50 p.m. PASSED UNANIMOUSLY.

Motion by Ketels, seconded by Granger, regarding Zoning Board of Appeal: Grosse Pointe Neighborhood Club Thrift Shop, 19483 Mack, request for a permitted use variance, that the Zoning Board of Appeal deny this use variance based on the following findings of fact:

1. Granting a variance is contrary to the current use of a neighborhood and undermines the importance of the zoning ordinance and master plan;
2. The Planning Commission discussed amendments to the zoning ordinance regarding resale and consignment shops and decided that no changes be made;
3. A self-created hardship is an action taken by an individual that causes their property to no longer meet the requirements of the zoning ordinance, no variance is appropriate. It is assumed that the prospective tenant and current owner of the property knew the use was not permitted after denial by the City;
4. The property is not unique in that it was formerly used as a permitted use (retail paint) and could be used for any of the permitted uses listed in Section 50-370.

Motion carried by the following vote:

Yes: Bryant, Granger, Howle, Ketels, McConaghy, Novitke, Sucher
No: None
Absent: None

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

Motion carried by the following vote:

Yes: Bryant, Granger, Howle, Ketels, McConaghy, Novitke, Sucher
No: None
Absent: None

Motion by Howle, seconded by Sucher, to adjourn tonight's meeting at 8:11 p.m.
PASSED UNANIMOUSLY.

Respectfully submitted,

Lisa Kay Hathaway
City Clerk