

ZONING BOARD OF APPEALS  
11-15-10 – 6

MINUTES OF THE ZONING BOARD OF APPEALS MEETING OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, NOVEMBER 15, 2010, IN THE COUNCIL-COURT ROOM OF THE MUNICIPAL BUILDING, 20025 MACK PLAZA, GROSSE POINTE WOODS, MICHIGAN.

The meeting was called to order at 7:36 p.m. by Mayor Novitke.

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

Also Present: City Administrator Fincham  
City Attorney Don Berschback  
Treasurer/Comptroller Irby  
City Clerk Hathaway  
Director of Public Works Ahee  
Building Inspector Tutag

THE MEETING WAS THEREUPON OPENED AT 7:37 P.M. FOR A ZONING BOARD OF APPEAL HEARING UNDER THE PROVISIONS OF CHAPTER 50, SECTION 50-181 OF THE 2007 CITY CODE TO HEAR THE APPEAL OF DR. HARANATH POLICHERLA – POINTE NEUROLOGY, 20160 MACK, WHO IS APPEALING THE DENIAL OF THE BUILDING INSPECTOR TO ISSUE A BUILDING PERMIT TO OPERATE AN OVERNIGHT SLEEP CLINIC AT THE PROPERTY LOCATED AT 20160 MACK, GROSSE POINTE WOODS. THE PERMIT WAS DENIED DUE TO NONCOMPLIANCE WITH SECTION 50-448(2) OF THE 2007 CITY CODE. A USE VARIANCE IS THEREFORE REQUIRED.

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

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

1. Letter 10/14/10 – Wilson & Cain PA
2. Application to the ZBA
3. Mortgage Report 04/08/1992
4. Letter 11/09/10 w/attachment – City Attorney
5. Memo 10/28/10 – Building Official
6. Plan Review and Permit Application 11/01/09
7. Letter 03/11/10 – Pointe Neurology
8. Memo 08/25/10 – Building Official

9. Letter 09/08/10 – Building Official/Property-Electrical Inspector
10. Memo 10/26/10 – Fire Inspector/Investigator
11. Memo 10/30/10 – Fire Inspector/Investigator
12. Memo 10/26/10 – Director of Public Works
13. Affidavit of Legal Publication 10/28/10
14. Affidavit of Property Owners Notified 10/28/10
15. Aerial View

Motion carried by the following vote:

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

Motion by McConaghy, seconded by Granger, that the following document be received and placed on file:

1. Letter 11/09/10 – Diana M. and Norval P. Labadie

Motion carried by the following vote:

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

The Building Official provided an overview.

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

Gary Wilson, Attorney  
Representing Dr. Policherla

William Mumaw  
19734 E. Kings Court

Carmela Cummings  
20941 Redlin  
East Pointe, MI

Kathy Smith  
1584 Edmundton

Frank Murray  
825 Grand Marais Blvd.  
Grosse Pointe Park, MI

Beverly Pack  
187 Ridgemont Rd.  
Grosse Pointe Farms, MI

Dr. Haranath Policherla  
Pointe Neurology  
20160 Mack

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

Scott Blaine  
1630 Oxford

Dutch VanDenboom  
1680 Oxford

Patty Coe  
1665 S. Renaud

Mary Frances  
1670 Oxford

Motion by Bryant, seconded by Granger, that the public hearing BE CLOSED at 8:16 p.m.  
PASSED UNANIMOUSLY.

Motion by Granger, seconded by Howle, regarding Zoning Board of Appeals Use Variance:  
Pointe Neurology – Dr. Haranath Policherla, 20160 Mack, that this request be denied based upon  
following:

1. The Petitioner has failed to present information that the property cannot be used in a manner consistent with existing zoning;
2. The information provided by the applicant does not describe any unique circumstances peculiar to the property and not to general neighborhood conditions;
3. The subject property has residentially zoned property to the east. There currently is no landscaping or masonry headlight wall to protect the residential property from nighttime vehicle or patient activity;
4. The plight of the Petitioner is self-created as the use was established after the original permit was denied.

Motion carried by the following vote:

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

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

Motion carried by the following vote:

Yes: Boddy, Bryant, Granger, Howle, McConaghy, Novitke, Sucher

No: None

Absent: None

Motion by McConaghy, seconded by Howle, to adjourn tonight's meeting at 8:33 p.m. PASSED UNANIMOUSLY.

Respectfully submitted,

Lisa Kay Hathaway  
City Clerk