

MINUTES OF THE ZONING BOARD OF APPEALS MEETING OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, OCTOBER 20, 2008, IN THE COUNCIL-COURT ROOM OF THE MUNICIPAL BUILDING, 20025 MACK PLAZA, GROSSE POINTE WOODS, MICHIGAN.

The meeting was called to order at 8:00 p.m. by Mayor Novitke.

Roll Call: Mayor Novitke  
Council members: Bryant, Dickinson, Granger, Howle, Sucher, Waldmeir  
Absent: None

Also Present: City Administrator Wollenweber  
City Attorney Berschback  
City Clerk Hathaway  
Director of Public Safety Makowski  
Director of Public Works Ahee  
Building Inspector Tutag

THE MEETING WAS THEREUPON OPENED AT 8:01 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 **BEZTAK LAND COMPANY FOR ALL SEASONS OF GROSSE POINTE WOODS, 891-1001 VERNIER ROAD**, WHICH IS APPEALING THE DENIAL OF THE BUILDING INSPECTOR TO ISSUE A BUILDING PERMIT TO BUILD A 3-STORY INDEPENDENT LIVING MULTI-FAMILY DEVELOPMENT AT 891-1001 VERNIER ROAD, GROSSE POINTE WOODS. THE PERMIT WAS DENIED DUE TO NONCOMPLIANCE WITH SECTION 50-530(8)(A)(2) OF THE 2007 CITY CODE; REQUIRED OFF-STREET PARKING. A VARIANCE IS THEREFORE REQUIRED.

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

Item 5A:

- 1) Letter 09/27/08 – R. Salomon, Beztak Land Co.
- 2) Application to the ZBA 09/29/08, w/attachments
- 3) Planning Commission Excerpt 09/23/08
  - a) Planning Commission Resolution
  - b) PC Excerpt – 08/26/08
  - c) Memo – 08/21/08 – Building Official (Tutag)
  - d) Letter of Request – 08/11/08 - Beztak Land Company (Salomon)
  - e) Memo – 09/15/08 – DPS Director (Makowski)
  - f) Memo – 09/15/08 – DPS Fire Inspector (Lafer)
  - g) Memo – 09/16/08 – DPW Director (Ahee)
  - h) Memo – 09/16/08 – Building Official (Tutag)
    - i) Site Plan Review Meeting Checklist
    - ii) Master Plan Future Land Use Map – 10/18/05

- iii) Master Plan Land Use Designations, page 42
- iv) 1949 Aerial View (2 pages)
- v) 1940 GPW Zoning Ordinance (7 pages) – 06/18/40
- vi) GPW Ord #50-317(8) Floor Area Ratio Illustration
- vii) Traffic Improvement Association (TIA) Letter – 09/10/08 (D. Allyn)
- i) E-mail Letter – 09/16/08 (M. Abanatha)
- i) Outdoor Lighting (6 pgs)
- 4) Email 09/18/08 – City Attorney
  - a) Letter 09/19/08 – City Attorney
  - b) City Code Sections 50-41, Zoning, Standards for Approval
  - c) Draft Resolution
- 5) Memo 08/21/08 – Building Official
  - a) Future Land Use Map 10/18/05
  - b) Email 08/22/08 – Traffic Officer
  - c) Letter 08/11/08 – Beztak Land Company
- 6) Letter 10/15/08 – City Attorney
  - a) Exhibit A – Planning Commission Resolution
  - b) Exhibit B – GPW ZBA Resolution to Grant Variance Conclusions and Findings of Fact
  - c) Exhibit C – GPW ZBA Resolution to Deny Variance Conclusions and Findings of Fact
- 7) Memo 10/09/08 – Building Official
  - a) Table 1. Some Zoning Ordinances in Southeast Michigan with Lower Parking Requirements than Proposed
  - b) Letter 08/26/08 – W. Stimpson, Birchler Arroyo Associates, Inc.
  - c) Letter 06/09/08 – W. Stimpson, Birchler Arroyo Associates, Inc.
  - d) Land Use: 252 – Senior Adult Housing – Attached Independent Variables with One Observation
  - e) 48-hour Volume Count Traffic Data Collection Inc/Birchler Arroyo Associates, Inc. 125' West of Lochmoor Place - 05/19/08
  - f) 48-hour Volume Count Traffic Data Collection Inc/Birchler Arroyo Associates, Inc. 200' West of Lochmoor Place - 05/19/08
  - g) Land Use: 252 Senior Adult Housing-Attached, Land Use and Database Descriptions
  - h) Letter 09/10/08 – Traffic Improvement Association
  - i) Email 10/09/08 – B. Salomon, Beztak
  - j) GPW Section 50-1 – 50-530. *Zoning*
  - k) Memo 10/09/08 – Director of Public Works
    - i) Memo 09/16/08 – Director of Public Works
    - l) Memo 10/07/08 – Director of Public Safety
- 8) Letter 09/30/08 – L. Abbey Levesque
- 9) Affidavit of Legal Publication 10/02/08
- 10) Affidavit of Property Owners Notified
- 11) Aerial Views (2)
- 12) Site Plans 09/09/08:
  - a) Cover sheet
  - b) P-1.0 topographic Survey
  - c) P-2.0 Preliminary Demolition Plan

- d) P-3.0 Preliminary Site Plan
- e) P-4.0 Preliminary Grading & Utility Plan
- f) P-5.0 Preliminary Details
- g) 1 of 1 Site Photometric Plan
- h) L-1.0 Conceptual Landscape Planting Plan
- i) L-2.0 Specifications & Details
  - i) Parking level Plan
  - ii) First Floor Plan
  - iii) Second Floor Plan
  - iv) Third Floor Plan
  - v) Unit Plan
  - vi) Building Elevations
  - vii) Front Elevation
  - viii) Side Elevation
  - ix) Side Elevation
  - x) Rear Elevation

Motion carried by the following vote:

Yes: Bryant, Dickinson, Granger, Howle, Novitke, Sucher, Waldmeir

No: None

Absent: None

The Building Official provided an overview of the Petitioner's request.

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

Robert Salomon  
Beztak Co.  
31731 Northwestern Hwy  
Farmington Hills, MI

Also in attendance with Mr. Solomon:

Mark Abanatha  
Architect

Ralph Nunez  
Principal-Design Team

Jim Butler  
Civil Engineer  
PEA

Mark Highlen  
Beztak Co.  
Project Manager

Bill Stimpson  
Director of Traffic Engineering  
Birchler Arroyo Associates, Inc. (Traffic Analysis)

20821 Southfield Rd.  
Lathrup Village, MI

Matt Kornmeier  
ANK Enterprises, Inc.  
Vernier Terrace Property Owner  
32985 Hamilton Ct.  
Farmington Hills, MI

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

Bernadette Medura  
20680 Vernier Circle

James Denison  
20605 Vernier Circle

Motion by Waldmeir, seconded by Bryant, that the public hearing be closed at 8:28 p.m.  
**PASSED UNANIMOUSLY.**

Motion by Granger, seconded by Bryant, regarding Zoning Board of Appeal - Beztak Land Company for All Seasons of Grosse Pointe Woods, 891-1001 Vernier Road, which is requesting an off-street parking variance for 154 off-street parking spaces, to grant the variance at the request of the petitioner based on the following findings of fact:

**WHEREFORE**, Beztak Inc. submitted a site plan for development of 891-1001 Vernier Road which was reviewed by the Planning Commission on September 23, 2008, and

**WHEREAS**, the Planning Commission passed a Resolution unanimously which approved the site plan conditioned upon 13 conditions, one of which being that the Zoning Board of Appeals grant a variance for parking, and

**WHEREAS**, the public hearing held by the Grosse Pointe Woods Zoning Board of Appeals on October 20, 2008 at which time the Zoning Board of Appeals was presented with evidence and comments from the audience both in support and against the granting of the variance.

Here are the findings of facts and conclusions:

1. Based on the documents received and placed on file with the City, and based on comments at the hearing, a practical difficulty exists justifying granting the dimensional variance for parking.

2. Compliance with the strict letter of the parking restrictions under the current Ordinance would require a total of 298 parking spaces. Compliance with the strict terms of the Ordinance would unreasonably prevent the owner of the property from using the property for a permitted purpose or would be unnecessarily burdensome.

3. Evidence has been presented in conjunction with this hearing and the site plan indicating that the current ordinance's parking requirement is based on multi family apartments, not senior apartments as purposed for this project. The facts show that this developer has other similar units in Michigan. The required units in those developments and others not involving the developer requires far fewer spaces than those required under our current Ordinance.

4. The facts show that many communities in southeastern Michigan have updated their parking requirements for proposed independent senior living projects. In general, those ordinances require either one space per unit or .75 spaces per unit plus additional parking for each employee. The current Ordinance would require parking far in excess of what is actually required under other ordinances and far more than is required given the proposed use for this development. The City Council has been considering an amendment to our parking requirements consistent with other communities.

5. In addition, even though other developments require approximately one car per unit, the actual number of cars using the facility on a regular basis for parking are far less than the required number of units.

6. The Traffic Improvement Association letter dated September 10, 2008 indicates that the number of parking spaces provided for on the site plan is based on one parking space per unit, one parking space for every 20 units for visitors, and one parking space for each employee. The TIA letter indicates "This number of parking spaces is considered to be proper for this type of development. We are aware of a similar complex in another city where the parking requirement is one parking space per unit plus one parking space for each employee and the city is not aware of any problems at that complex." In addition, both the TIA and the Grosse Pointe Woods Building Official are recommending approval of the parking variance. Other City Departments have no objection to the proposal.

7. Granting of the parking variance will also increase the green space and buffer zone between the proposed development and the adjacent land owners.

8. Two of the boundaries of the project include the Grosse Pointe North parking lot and Vernier Road. The property has been zoned R4 for decades which would allow high density residential uses.

9. All of the above show that the plight of the owner is due to unique circumstances, based on the materials on file.

10. The difficulty is not self-created. The parking restrictions have been in place for many years and are outdated based on the proposed use of the property for senior housing.

11. Granting the variance would do substantial justice to the Petitioner as well as other property owners. Although, some property owners have objected to the parking variance, they have indicated that they are not against senior housing at this site in general and that their complaints generally deal more with the height and size of the building as a whole. Other surrounding property owners and members of the community have expressed approval of the project. The project as a whole has been given conditional approval of the site plan by the Planning Commission based on 13 specific conditions which support the fact that granting the variance will do substantial justice.

12. Granting the variance will uphold the spirit of the Ordinance and the public safety and welfare will be secured. The Fire Department, Public Safety, Public Works, and the Building Department

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have all reviewed the site plan and are in favor of the project. Any concerns have been incorporated into the conditions set forth by the Planning Commission. Granting the parking variance is in compliance with the spirit of the Ordinance because the current ordinance envisions the possibility of family dwellings with multiple cars per unit, not an age restricted senior independent living environment which requires far fewer parking spaces per unit.

**WHEREFORE, BE IT RESOLVED** that the Zoning Board of Appeals grant a parking variance from Section 50-530(8)(a)(2) for 154 off street parking spaces for property located at 891-1001 Vernier Road, Grosse Pointe Woods, with construction to commence within 18 months and completed within 36 months, that the senior independent use be a part of the building, and if that use is changed to a traditional multi-family use then the parking requirements for that use would apply.

Motion by Granger, seconded by Bryant, to amend the previous motion by amending the resolution, last page, last paragraph, last line after "family use," insert "or any other use."

Motion by Granger, seconded by Bryant, to amend the previous motion by amending the resolution by deleting the last paragraph, last page, and inserting, "WHEREFORE, BE IT RESOLVED that the Zoning Board of Appeals grant a parking variance from Section 50-530(8)(a)(2) for 154 off street parking spaces for property located at 891-1001 Vernier Road, Grosse Pointe Woods, conditioned upon construction commencing within 18 months and being completed within 36 months, and conditioned upon if the use were to change to a traditional multi-family use, or any other use, then the parking requirements for that use would apply."

Motion carried by the following roll-call vote:

Novitke:	Yes
Sucher:	No
Waldmeir:	No
Bryant:	Yes
Dickinson:	Yes
Granger:	Yes
Howle:	No

Motion by Granger, seconded by Bryant, that the Zoning Board of Appeal minutes dated October 6, 2008, be approved.

Motion carried by the following vote:

Yes:	Bryant, Dickinson, Granger, Howle, Novitke, Sucher, Waldmeir
No:	None
Absent:	None

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

Motion carried by the following vote:

Yes: Bryant, Dickinson, Granger, Howle, Novitke, Sucher, Waldmeir

No: None

Absent: None

Motion by Sucher, seconded by Bryant, to adjourn tonight's meeting at 9:52 p.m. PASSED UNANIMOUSLY.

Respectfully submitted,

Lisa Kay Hathaway  
City Clerk