

MINUTES OF THE ZONING BOARD OF APPEALS MEETING OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, OCTOBER 6, 2008, IN THE COUNCIL-COURT ROOM OF THE MUNICIPAL BUILDING, 20025 MACK PLAZA, GROSSE POINTE WOODS, MICHIGAN.

The meeting was called to order at 7:55 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 Don Berschback  
City Clerk Hathaway  
Building Inspector Tutag

Motion by Dickinson, seconded by Bryant, that all items on tonight's agenda be received and placed on file.

Motion carried by the following vote:

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

THE MEETING WAS THEREUPON OPENED AT 7:56 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 MARIANO PACINI, 19846 IDA LANE EAST, GROSSE POINTE WOODS, WHO IS APPEALING THE DENIAL OF THE BUILDING INSPECTOR TO ISSUE A BUILDING PERMIT FOR CONSTRUCTION OF AN ACCESSORY BUILDING. THE PERMIT WAS DENIED DUE TO NONCOMPLIANCE WITH SECTION 50-526(1)A OF THE 2007 CITY CODE; CONSTRUCTION ON AN EASEMENT. A VARIANCE IS THEREFORE REQUIRED.

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

1. Letter 08/13/08 – Mariano Pacini
2. Application to the ZBA 09/08/08
3. Plan Review & Building Permit Application
4. GPW City Code, Section 50-526(1)a.
5. Letter 05/21/08 – DTE Energy
6. Assessor's Field Sheets Rec'd 11/21/07
7. Accessory Building Renderings (4)
8. Memo 09/05/08 – Building Official
9. Plat Map

10. Memo 09/22/08 – Director of Public Works
11. Memo 09/15/08 – Director of Public Safety
12. Memo 09/15/08 – Fire Inspector
13. Affidavit of Legal Publication
14. Affidavit of Property Owners Notified
15. Aerial Views (2) 09/18/08
16. Letter 09/22/08 – C. Evola, 19787 Ida Lane E.
17. Letter 09/23/08 – D. & P. Whitin, 19836 E. Ida Lane

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 his memo dated September 5, 2008.

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

Mariano Pacini  
19846 Ida Lane East

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

Cheryl Vallejo  
19856 East Ida Lane

Motion by Waldmeir, seconded by Bryant, that the public hearing BE CLOSED at 8:02 p.m. PASSED UNANIMOUSLY.

Motion by Granger, seconded by Howle, regarding Zoning Board of Appeal: Mariano Pacini, 19846 Ida Lane East, who is requesting a variance to install a 16' x 16' shed encroaching onto utility and Milk River easements, that the Zoning Board of Appeal concur with the recommendations of the Building Official, and Directors of Public Works and Public Safety, and grant the 16' variance request based on the practical difficulty that exists, contingent upon the following:

1. Granting of this variance does not relinquish the City's rights to the easement;
2. Use of the easement is at the sole risk of the property owner and may require removal of the structure at the property owner's expense at the request of the City if work is required in the easement;
3. The property owner provide an acknowledgement to the City indicating that the property owner or successors are responsible to remove the encroachment at their expense if work needs to be done in the easement;
4. Construction commence within 90 days and completed in 180 days.

Motion carried by the following vote:

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

No: None

Absent: None

Motion by Bryant, seconded by Sucher, to adjourn tonight's meeting at 8:10 p.m. PASSED UNANIMOUSLY.

Respectfully submitted,

Lisa Kay Hathaway  
City Clerk