

MINUTES OF THE ZONING BOARD OF APPEALS MEETING OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, JANUARY 7, 2008, IN THE COUNCIL-COURT ROOM OF THE MUNICIPAL BUILDING, 20025 MACK PLAZA, GROSSE POINTE WOODS, MICHIGAN.

The meeting was called to order at 7:33 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
City Engineer Lockwood
Building Inspector Tutag

Motion by Waldmeir, seconded by Bryant, 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, Dickinson, Granger, Howle, Novitke, Sucher, Waldmeir
No: None
Absent: None

THE MEETING WAS THEREUPON OPENED AT 7:34 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 **KELLY AND MICHAEL ZILLI**, FOR E-MED MANAGEMENT SOLUTIONS L.L.C., WHO ARE APPEALING THE DENIAL OF THE BUILDING INSPECTOR TO ISSUE A BUILDING PERMIT FOR 20800 MACK AVENUE, GROSSE POINTE WOODS. THE PERMIT WAS DENIED DUE TO NONCOMPLIANCE WITH SECTION 50-208 OF THE 2007 CITY CODE. A VARIANCE IS THEREFORE REQUIRED.

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

1. Letter 11/29/07 – Kelly and Michael Zilli
2. Application – Annual Business License
3. Mortgage Survey rec'd 12/03/07
4. Memo 12/21/07 – Building Inspector
5. Section 50-208. Permitted uses
6. Memo 07/06/05 – Building Inspector

7. Memo 12/26/07 – Director of Public Safety
8. Memo 12/21/07 – Corporal Lafer
9. Application to the ZBA rec'd 12/21/07
10. Letter 12/21/07 – Kelly and Michael Zilli
11. Unnecessary Hardships
12. Notice 12/20/07
13. Aerial View 12/20/07
14. Affidavit of Legal Publication
15. Affidavit of Property Owners Notified

Motion carried by the following vote:

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

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

Michael Zilli
20800 Mack Avenue

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

Stan Grumeretz
1861 Hawthorne

Eric Kociba
1838 Hollywood

Brad Bloomhuff
1852 Hollywood

Keith Crawford
1839 Hollywood

Christian Fenton
1824 Hollywood

John Trost
1838 Hawthorne

Jim Warren
1845 Hawthorne

Frank Smith
1727 Hollywood

Sharon Ruggioli
1865 Hollywood

Motion by Waldmeir, seconded by Bryant, that the public hearing BE CLOSED at 7:49 p.m.
PASSED UNANIMOUSLY.

Motion by Dickinson, seconded by Waldmeir, regarding Kelly and Michael Zilli of E-Med Management Solutions L.L.C., 20800 Mack Avenue, who are requesting a variance to operate a medical billing/records business in a R1-C District, that the Zoning Board of Appeals concur with the recommendation of the Building Inspector and deny a permitted use variance because the applicant has not proven that an unnecessary hardship exists by using the following four factors:

1. The property cannot reasonably be put to a conforming use;
2. The plight of the owner is due to unique circumstances and not to general neighborhood conditions;
3. The use will not alter the essential character of the neighborhood;
4. The hardship is not self-created.

Motion carried by the following vote:

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

Motion by Waldmeir, 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 Waldmeir, seconded by Howle, to adjourn tonight's meeting at 7:59 p.m. PASSED UNANIMOUSLY.

Respectfully submitted,

Lisa Kay Hathaway
City Clerk