

MINUTES OF THE ZONING BOARD OF APPEALS MEETING OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, ZONING BOARD OF APPEALS, AUGUST 20, 2007, IN THE COUNCIL-COURT ROOM OF THE MUNICIPAL BUILDING, 20025 MACK PLAZA, GROSSE POINTE WOODS, MICHIGAN.

The meeting was called to order at 10:44 p.m. by Mayor Novitke.

Roll Call: Mayor Novitke
Council members: Dickinson, Granger, Howle, Reynolds, Spicher, Waldmeir
Absent: None

Also Present: City Administrator Wollenweber
City Attorney Berschback
City Clerk Hathaway
Building Inspector Tutag

THE MEETING WAS THEREUPON OPENED AT 10:45 P.M. FOR A ZONING BOARD OF APPEAL HEARING UNDER THE PROVISIONS OF CHAPTER 98, ZONING, ARTICLE XIV, SECTION 98-401 OF THE 1997 CITY CODE TO HEAR THE APPEAL OF WOODS WHOLESALE WINE, 1937 HAWTHORNE, GROSSE POINTE WOODS, MI, WHICH IS APPEALING THE DENIAL OF THE BUILDING INSPECTOR TO ISSUE A BUILDING PERMIT REQUIRING TWO DIMENSIONAL USE VARIANCES INCLUDING OFF-STREET PARKING AREAS ADJACENT TO RESIDENTIAL PROPERTY AND AN ORNAMENTAL WALL AS REQUIRED BY SECTION 98-393 OF THE 1997 CITY CODE. VARIANCES ARE THEREFORE REQUIRED.

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

1. Planning Commission Excerpt 06/26/07
2. Letter 08/24/07, w/attachments – City Attorney
3. Memo 08/15/07 - Building Inspector
4. Mack Avenue Parking survey 10/31/66
5. Application to the Zoning Board of Appeals 08/14/07
6. Letter 07/23/07 – Stucky-Vitale Architects
7. Sec. 98-393. Off-street parking areas adjacent to residential property
8. Letter 06/18/07 – Stucky-Vitale Architects
9. Letter – 01/09/04 Assistant City Attorney (C. Berschback)
10. Letter – 10/19/00 City Attorney (J. Des Rosiers)
11. E-Mail – 06/12/07 Traffic Safety Officer (Beghin)
12. Memo – 06/14/07 Public Works Director (Ahee)
13. Memo – 06/18/07 Building Official (Tutag)
14. Site Plan Review Checklist – 06/14/07 Building Official (Tutag)
15. Mack Avenue Parking Survey – 10-31-66
16. Wayne County Pictometry/GIS (2 photos) – 2006
17. Dorchester® Series Luminaire Style Gaslight – 06/15/01
18. Photos (19) - 06/20/07 CEO (Prieur)

19. Affidavit of Legal Publication 08/02/07
20. Affidavit of Property Owners Notified 08/02/07
21. Notice of Hearing
22. Aerial view 08/02/07
23. Site Plan SP1.1 – 07/23/07

Motion carried by the following vote:

Yes: Dickinson, Granger, Howle, Novitke, Reynolds, Spicher, Waldmeir
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:

Michael Blaneck
Stucky Vitale Architects

William Matouk
Woods Wholesale Wine

The Chair asked if anyone from the audience wished to speak in opposition to the proposed request. No one wished to be heard.

Motion by Reynolds, seconded by Dickinson, that the public hearing BE CLOSED at 10:50 p.m. PASSED UNANIMOUSLY.

Motion by Granger, seconded by Reynolds, regarding Woods Wholesale Wine, 1937 Hawthorne, that the Zoning Board of Appeals grant the variances based upon the practical difficulty the Petitioner faces in meeting the requirements:

1. Section 98-393(a), Off-street parking areas adjacent to residential property – Front yard setback of 25'
 - a. Strict application of the ordinance would eliminate 28% of the parking spaces that are being proposed;
 - b. The proposed parking lot development will be compliant with the City's Master Parking Plan;
 - c. The available land (62' x 127') could not be reasonably developed into a functional parking lot without relief;
 - d. The hardship is not self-created.
2. Section 98-393(b), Ornamental wall – additional height of 2' for masonry screening wall:
 - a. Strict application of the ordinance would not provide an acceptable separation of the proposed parking lot and the residential property to the west and south;
 - b. The 6' masonry wall will not have a negative impact on the surrounding businesses or residential properties;

- c. The variance request is not self-created, as the submitted plan is compliant with Section 98-393(b). The request is a result of the Petitioner's willingness to comply with the surrounding neighbor's request for a 6' wall.

And to include the following contingencies:

- The additional construction have no effect on existing easements;
- Storm drainage generated on the site cannot be drained onto adjacent properties;
- Excavated material be removed from the site;
- No fill is approved;
- Construction commence within six months and complete within one year.

Motion by Granger, seconded by Reynolds, regarding Woods Wholesale Wine, 1937 Hawthorne, to amend the previous motion by adding the following conditions to this approval as stated by the Planning Commission at their meeting on June 26, 2007:

1. That a variance be granted to allow a six foot wall with gradual step-down to four feet as close to the street as approved by Public Safety;
2. That a parking variance be granted for the side-yard setback as proposed, as the petitioner has increased the distance from the parking lot to the neighboring property at 1945 Hawthorne;
3. That the parking lot be secured so that it cannot be used by the general public during closed business hours for the petitioner;
4. That there be "no right turn" signs coming out of the parking lot onto the alley;
5. That the recommendation of Public Works Director as indicated by his memo dated June 14, 2007 be satisfied;
6. That the two lights as indicated on the west side of the site plan be eliminated;
7. That 37 6' arborvitaes on the west wall be planted as agreed by the petitioner, architect, Building Department and neighbors;
8. That no left turn from the alley onto Hawthorne be allowed, and a sign be posted; and
9. Amend the site plan to reflect a requirement for a variance for the 6' foot wall stepping down to 4' closer to the street.

Motion carried by the following vote:

Yes:	Dickinson, Granger, Howle, Novitke, Reynolds, Spicher, Waldmeir
No:	None
Absent:	None

Motion by Reynolds, seconded by Spicher, to adjourn tonight's meeting at 11:05 p.m. PASSED UNANIMOUSLY.

Respectfully submitted,

Lisa Kay Hathaway
City Clerk