

MINUTES OF THE ZONING BOARD OF APPEALS MEETING OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, MAY 18, 2015, IN THE COUNCIL-COURT ROOM OF THE MUNICIPAL BUILDING, 20025 MACK PLAZA, GROSSE POINTE WOODS, MICHIGAN.

The meeting was called to order at 7:45 p.m. by Mayor Novitke.

Roll Call: Mayor Novitke
Council members: Bryant, Ketels, Koester, McConaghy, Shetler
Absent: Granger

Also Present: City Administrator Fincham
City Attorney Don Berschback
City Clerk Hathaway
Building Inspector Tutag
Park Supervisor Byron

Motion by McConaghy, seconded by Bryant, that Council Member Granger be excused from tonight's meeting.

Motion carried by the following vote:

Yes: Bryant, Ketels, Koester, McConaghy, Novitke, Shetler
No: None
Absent: Granger

THE MEETING WAS THEREUPON OPENED AT 7:45 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 RICHARD FERRARA M.D., FERRARA DERMATOLOGY CLINIC, 20045 MACK AVENUE, GROSSE POINTE WOODS, MI, WHO IS APPEALING THE DENIAL OF THE BUILDING INSPECTOR TO ISSUE A BUILDING PERMIT TO CONSTRUCT AN ADDITION TO HIS PROPERTY LOCATED AT 20045 MACK AVENUE, GROSSE POINTE WOODS. THE PERMIT WAS DENIED DUE TO EXCEEDING THE ALLOWABLE MAXIMUM LOT COVERAGE OF A LOT OR PARCEL OF LAND BY A BUILDING IN AN RO-1 DISTRICT IN ACCORDANCE WITH SECTION 50-463 OF THE 2007 CITY CODE. A VARIANCE IS THEREFORE REQUIRED.

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

1. Planning Commission Excerpt 04/28/15
2. Building Permit Application Zoning Compliance and Plan Review 04/13/15
3. Letter 04/10/15 (Planning) – Richard Ferrara, MD
4. Letter 04/13/15 (Planning) – Moiseev/Gordon Associates, Inc.
5. Letter 04/20/15 (ZBA) – Richard Ferrara, MD
6. Letter 04/20/15 (ZBA) – Moiseev/Gordon Associates, Inc.

7. Application to ZBA 04/20/15
8. Memo 04/21/15 – Building Official
9. Memo 04/16/15 – Director of Public Services
10. Email 04/22/15 – Director of Public Safety
11. Letter 01/20/15 – City Attorney
12. Aerial View 10/01/13
13. Photos (3)
14. Site Plans 02/05/15
 - A. SP-1 – Title Sheet & Site Plan
 - B. A-1 – Foundation Plan
 - C. A-2 – Floor Plan
 - D. A-5 – Elevations
15. Affidavit of Legal Publication
16. Affidavit of Property Owners Notified
17. Aerial View

Motion carried by the following vote:

Yes: Bryant, Ketels, Koester, McConaghy, Novitke, Shetler
No: None
Absent: Granger

The Building Official provided an overview of the proposed construction.

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

Robert Cliff
Moiseev/Gordon Architects, Inc.
4351 Delemere Ct.
Royal Oak, MI 48073

Dr. and Mrs. Richard Ferrara
20045 Mack Avenue

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

Dr. Theodore Hadgis
20039 Mack

Motion by Bryant, seconded by Shetler, that the public hearing BE CLOSED at 7:56 p.m.
PASSED UNANIMOUSLY.

Motion by Ketels, seconded by Shetler, regarding Zoning Board of Appeal regarding Richard Ferrara M.D., Ferrara Dermatology Clinic, 20045 Mack Avenue, that the Zoning Board of Appeals approve the site plan and requested lot coverage variance permitting 65.5% lot coverage to construct a 1,585 square foot addition to the rear of the existing building based upon the following findings of fact as presented by the Building Official, as follows:

- The subject property is a trapezoidal shaped lot. Due to the size of the property and the requirements of Section 50-463, the only way the applicant could add the needed space in compliance with the current ordinance and keep his practice in its current location would be to add a second story to the existing building which would require an elevator, structural analysis, and alteration to the existing structure. A two story building would not be consistent with the surrounding areas as the buildings to the north and south are single story. The proposed addition is consistent with the overall development of the area;
- The RO-1 District regulations, with regard to setbacks, is exclusive as no front, rear, or side yards are required; however, lot coverage is limited to a maximum of 40%;
- The property is somewhat unique as only 0.8% of the total land use in the city is zoned as RO-1;
- Laws regarding health care, patient privacy and record retention are constantly changing along with technology and medical treatments that require additional patient rooms and space in general. The petitioner has no control over these factors;
- The granting of the requested variance will preserve the spirit and intent of the ordinance, public safety and welfare will be secured and substantial justice done;
- The applicant's property is immediately north of a municipally-owned public parking lot and not subject to the code's off-street parking regulations;
- The screening of rooftop heating and cooling equipment will be left to the discretion of the Building Official.

Motion carried by the following vote:

Yes: Bryant, Ketels, Koester, McConaghy, Novitke, Shetler

No: None

Absent: Granger

Motion by Bryant, seconded by Shetler, that tonight's meeting minutes be immediately certified.

Motion carried by the following vote:

Yes: Bryant, Ketels, Koester, McConaghy, Novitke, Shetler

No: None

Absent: Granger

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Motion by McConaghy, seconded by Shetler, to adjourn tonight's meeting at 8:06 p.m. PASSED UNANIMOUSLY.

Respectfully submitted,

Lisa Kay Hathaway
City Clerk