

MINUTES OF THE ZONING BOARD OF APPEALS MEETING OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, JUNE 2, 2014, IN THE COUNCIL-COURT ROOM OF THE MUNICIPAL BUILDING, 20025 MACK PLAZA, GROSSE POINTE WOODS, MICHIGAN.

The meeting was called to order at 7:41 p.m. by Mayor Novitke.

Roll Call: Mayor Novitke  
Council members: Bryant, Granger, Ketels, Koester, McConaghy, Shetler  
Absent: None

Also Present: City Administrator Fincham  
City Attorney Chip Berschback  
City Clerk Hathaway  
Director of Public Works Ahee  
Building Inspector Tutag

Motion by Bryant, seconded by Shetler, that tonight's agenda be accepted as presented.

Motion carried by the following vote:

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

THE MEETING WAS THEREUPON OPENED AT 7:41 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 **WENDY R. BARROTT AND JOHN LYDICK, 1984 FLEETWOOD DRIVE**, WHO ARE APPEALING THE DENIAL OF THE BUILDING INSPECTOR TO ISSUE A BUILDING PERMIT TO **INSTALL SOLAR PANELS** AT THEIR HOME ON 1984 FLEETWOOD DRIVE, GROSSE POINTE WOODS. THE PERMIT WAS DENIED DUE TO NONCOMPLIANCE WITH SECTION 50-539(2) SOLAR ENERGY SYSTEMS OF THE 2007 CITY CODE. A DIMENSIONAL VARIANCE IS THEREFORE REQUIRED.

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

1. Application to the Zoning Board of Appeals received 05/02/14
2. Building Permit Application 02/03/14
3. Memo 05/20/14 – Building Official
4. Memo 05/20/14 – Fire Inspector

5. Photo (1)
6. Grosse Pointe Woods Sec. 50-539(5). Solar energy systems
7. Affidavit of Property Owners Notified
8. Affidavit of Legal Publication
9. Aerial View
10. Letter 06/02/14 – City Attorney

Motion carried by the following vote:

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

Paul Lang (Installer, Srinergy)  
628 Watkins St.  
Birmingham, MI

Wendy Barrett  
1984 Fleetwood

The Chair asked if anyone from the audience wished to speak in opposition to the proposed request. The Building Official spoke in opposition, stating that the City's Fire Inspector is also opposed as indicated in his memo dated May 20, 2014.

Motion by Granger, seconded by Bryant, that the public hearing BE CLOSED at 7:57 p.m. PASSED UNANIMOUSLY.

The Planning Commission and Building Department were asked to review the solar panel ordinance and 2012 Fire Code, and to provide a recommendation to the City Council.

Motion by Granger, seconded by Shetler, regarding Zoning Board of Appeal: Wendy R. Barrott and John Lydick, 1984 Fleetwood Drive, that the request for a variance to install solar panels be denied of Sec 50-539(5) regarding installation of solar energy panels as there is a question of public safety and welfare.

Motion by Granger, seconded by Shelter, to amend previous motion by deleting, "as there . . . and welfare.", and inserting, "1. . . . property." as follows:

1. Granting the variance would impact the spirit and intent of the ordinance, and it would negatively impact the health safety and welfare of the community;
2. The problem is self created;
3. The plight of the Petitioner is not due to the City or unique circumstances;
4. It would be more consistent with justice to deny than to grant the variance;
5. Denial of the variance would not prevent the Petitioner from using the property."

Motion carried by the following vote:

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

Motion by Granger, seconded by Shetler, to immediately certify tonight's meeting minutes.

Motion carried by the following vote:

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

Motion by Bryant, seconded by Shetler, to adjourn tonight's meeting at 8:17 p.m.  
PASSED UNANIMOUSLY.

Respectfully submitted,

Lisa Kay Hathaway  
City Clerk