

CITY OF GROSSE POINTE WOODS
20025 Mack Plaza
Zoning Board of Appeal Meeting Agenda
Monday, September 9, 2013
7:35 p.m.

1. CALL TO ORDER
2. ROLL CALL
3. ACCEPTANCE OF AGENDA
4. PUBLIC HEARING
 - A. Variance - Garage Height: 19947 W. Doyle Place
 1. Application to ZBA 08/16/13
 2. Building Permit Application: Zoning Compliance and Plan Review 08/06/13
 3. Memo 09/04/13 – Building Official
 4. Affidavit of Legal Publication
 5. Affidavit of Property Owners Notified
 6. Site Plan June 2013/Rec'd 08/16/13
5. MINUTES
 - A. Immediate Certification - 09/09/13
6. ADJOURNMENT

Lisa Kay Hathaway, MMC
City Clerk

IN ACCORDANCE WITH PUBLIC ACT 267 (OPEN MEETINGS ACT)
POSTED AND COPIES GIVEN TO NEWSPAPERS

The City of Grosse Pointe Woods will provide necessary, reasonable auxiliary aids and services, such as signers for the hearing impaired, or audio tapes of printed materials being considered at the meeting to individuals with disabilities. All such requests must be made at least five days prior to a meeting. Individuals with disabilities requiring auxiliary aids or services should contact the City of Grosse Pointe Woods by writing or call the City Clerk's office, 20025 Mack Plaza, Grosse Pointe Woods, MI 48236 (313) 343-2440 or Telecommunications Device for the Deaf (TDD) 313 343-9249.

<p>NOTE TO PETITIONERS: YOU, OR A REPRESENTATIVE, ARE REQUESTED TO BE IN ATTENDANCE AT THE MEETING SHOULD THE BOARD HAVE QUESTIONS REGARDING YOUR REQUEST</p>

4A-1

PLEASE TYPE or PRINT NEATLY

CITY OF GROSSE POINTE WOODS
20025 MACK PLAZA
GROSSE POINTE WOODS MI 48236
(313) 343-2440 - CITY CLERK
FAX (313) 343-2785
(313) 343-2426 - BUILDING DEPARTMENT
FAX (313) 343-2439

RECEIVED
16
AUG 2013
CITY OF GROSSE PTE. WOODS
BUILDING DEPT.

APPLICATION TO THE ZONING BOARD OF APPEALS

1. Address of the Property: 19947 DOYLE PLACE W.
(Number and Street)

TO THE ZONING BOARD OF APPEALS

I (We) BOND BILT HOME IMPROVEMENT (586) 558 7500
Name (Please Print) Phone No. (Daytime)
30140 VANDYKE, SUITE D3 WARREN MI 48093
Address City State Zip

hereby appeal to the Zoning Board of Appeals for a variance to:

19947 DOYLE PLACE W, G.P. WOODS.

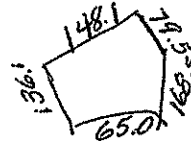
2. DESCRIPTION OF CASE (Fill out only items that apply)

a. Present zoning classification of the property R1B

b. Description of property

(1) Size and Area of Lot _____

(2) Is the lot a corner or interior lot INTERIOR



Payment Validation

PLEASE TYPE or PRINT NEATLY

c. Description of EXISTING structures

- (1) Total square footage of accessory building now on premises 0; of main buildings 2428
- (2) Uses of building on premises SINGLE FAMILY RESIDENCE w/ ATTACHED GARAGE
- (3) Percentage of lot coverage of all buildings on ground level _____ %

d. Description of PROPOSED structures

- (1) Height of proposed structure 22'-0"
- (2) Height and area of existing structure 17'-5" 2428 sq ft
- (3) Dimensions and area of structure or addition to be constructed 28x36 1008 sq ft
- (4) Percentage of lot coverage of all buildings including proposed _____ %

e. Yard setbacks after completion of addition/structure

- (1) Front Yard (measured from lot line) _____
- (2) Side Yard (measured from lot line) 4'
- (3) Rear Yard (measured from lot line) 6'

f. A sketch drawn to scale depicting the above information shall be included herewith.

3. TYPE OF VARIANCE REQUEST: NON-USE – Common regulations subject to non-use variance requests: setbacks, height or parking regulations, lot coverage, bulk or landscaping restrictions. Uniqueness: odd shape, small size, wetland, creek, natural features, big trees or slopes.

A finding of practical difficulty, based on competent, material, and substantial evidence on the record, shall require the petitioner to demonstrate that all of the following conditions are met (please answer all reasons):

- a) That the ordinance restrictions unreasonably prevent the petitioner from using the property for a permitted purpose.

BECAUSE THE HOUSE IS A RANCH STYLE INSTEAD OF
2 STORY IT LIMITS THE HEIGHT OF THE STRUCTURE
AND THE ACCESSIBILITY FOR EXTRA STORAGE

- b) That a variance would do substantial justice to the petitioner as well as to other property owners in the zoning district, and a lesser relaxation than that requested would not give substantial relief to them or be more consistent with justice to other properties. (i.e., Are there other more reasonable alternatives?)

HOMEOWNER IS TRYING TO ENCLOSE UTILITY
TRAILERS THAT ARE TALLER THAN THE NORMAL
PER CITY ORDINANCE. NEEDS TALLER DOOR OPENINGS
FOR THE TALLER TRAILERS

- c) That the plight of the petitioner is due to unique circumstances of the property.

THE PROPERTY IS A UNIQUE SHAPE
AND LIMITS OPTIONS

- d) That the alleged hardship has not been self-created or created by any person presently having an interest in the property.

ALL THE CONDITIONS & CIRCUMSTANCES
WERE IN PLACE

- e) That the spirit of the Grosse Pointe Woods Ordinance will be observed, public safety secured, and substantial justice done.

THAT THE HEIGHT OF THE STRUCTURE
WOULD BE MORE OF AN AVERAGE HEIGHT
IN THE SURROUNDING

*****PLEASE TYPE or PRINT NEATLY*****

4. **TYPE OF VARIANCE REQUEST: USE** – A use variance permits a use of land that is otherwise not allowed in that zoning district. The applicant must present evidence to show that if the zoning ordinance is applied strictly, an unnecessary hardship to the applicant will result, and that all of the following requirements are met (*please answer all reasons*):

- a) That the property cannot reasonably be used in a manner consistent with existing zoning.

- b) That the plight of the petitioner is due to unique circumstances peculiar to the property and not to general neighborhood conditions.

- c) That the use requested by the variance would not alter the essential character of the area and locality.

- d) That the alleged hardship is not self-created or created by any person presently having an interest in the property.

- e) That the spirit of the Grosse Pointe Woods Ordinance will be observed, public safety and welfare secured, and substantial justice done.

5. Interpretation of the Zoning Ordinance is requested because:

6. Article and Section of the Zoning Ordinance that is being appealed:

I hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true and correct.

Signature of Petitioner

Signature of Applicant *Carl G. Gaudano*

Subscribed and sworn to before me this 16th day of August 2013

Ann M. Tunney

Notary Public

ANN M. TUNNEY
Notary Public-Michigan
Macomb County

My Commission expires 10/08/2015

My Comm. Expires 10/08/2015

NOTE: The Zoning Board of Appeals (ZBA) may consider evidence from a variety of sources in making its determination. The Zoning Board of Appeals meets the first and third Mondays of each month at 7:30 PM. The application must be filed with the City Clerk with a fee in the amount of \$250 a minimum of 14 days prior to council hearing.

4 A2

RECEIVED

AUG 06 2013

CITY OF GROSSE POINTE WOODS
BUILDING DEPT.

CITY OF GROSSE POINTE WOODS
Building Department
20025 Mack Plaza, Grosse Pointe Woods, MI 48236
(313) 343-2426

BUILDING PERMIT APPLICATION
ZONING COMPLIANCE AND PLAN REVIEW
COMMERCIAL AND RESIDENTIAL

ZONING COMPLIANCE INCLUDES:

Drives - Fences - Accessory Structures/Sheds (less than 200 sq ft) - Awnings - Garage Floors -
Patio (non-elevated) - Play Structures

Property Owner Name: JIM WIEME Date: 8-6-13

Property Owner Address: 19947 DOYLE PLACE W e-mail: _____

Work#: _____ Home/Cell#: 313 909 8166

Contractor/Applicant Name: BOND BILT HOME IMPROVEMENT

Telephone # 586 558 7500 Fax # 586 558 7502 Mobile/Cell # 586 634 5131 / Carl

Contractor Address: 30140 VANDYKE SUITE 109 WARREN MI 48093

MI Builder's License #: 2102085517 MI Driver's License #: G635108018320

e-mail address: BOND BILT @ GMAIL.COM

SPECIFY NATURE OF PROPOSED WORK:

DETACHED GARAGE

Value of Construction \$ 42,500

Section 23a of State Construction Code Act of 1972, No. 230 of the Public Acts of 1972, being Section 125.1523a of the Michigan Compiled Laws, prohibits a person from conspiring to circumvent the licensing requirements of the State relating to persons who are to perform work on a residential building or a residential structure. Violations of Section 23a are subject to civil fines.

Applicant Signature: [Signature]

I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and we agree to conform to all applicable laws of this jurisdiction.

FOR OFFICE USE ONLY

Approved: _____

Denied: X

Zoning Board of Approval Required # _____

(\$250)

Inspector: 67

Date: 8/12/13

12/10

50-526(2) 3 & 5

Proposed garage is higher than house and 121...018

4-A-3

**CITY OF GROSSE POINTE WOODS
BUILDING DEPARTMENT
MEMORANDUM**

RECEIVED
SEP - 5 2013
CITY OF GROSSE PTE. WOODS

TO: Zoning Board of Appeals
FROM: Gene Tutag, Building Official *GT*
DATE: September 4, 2013
SUBJECT: Variance Requests for Garage Height – 19947 W. Doyle Place (Zoned R-1B)

A building permit application to construct a detached garage in the rear yard of 19947 W Doyle Place has been denied. The garage would be in violation of Sections 50-526(2)b 3 & 5 the proposed garage is higher than the house and is 22' in height. The ordinance limits height of an accessory structure as follows:

b. Height. Accessory buildings are subject to the following height restrictions:

- 1. One story with a maximum wall height of ten feet measured from the finished grade level to the bottom of the eaves.*
- 2. Maximum height shall be determined by measuring the vertical distance from the finished grade level adjoining the building to the highest point on the ridge of the roof.*
- 3. In no instance shall an accessory building be constructed higher than the principal structure on the property.*
- 4. In the R-1A zoning district, the maximum height of accessory buildings and structures shall be 22 feet.*
- 5. In all other residential districts, the maximum height of accessory buildings and structures shall be 18 feet.*

Bond Built Home Improvement, on behalf of the property owner Mr. Jim Wieme, is appealing the denial of the permit.

The application is compliant with lot coverage and setbacks in relation to accessory structures.

The property was inspected on September 4, 2013, a few code enforcement violations were noted and will be addressed.

The criteria for consideration of a request for a non-use variance is found in Section 50-149 of the Grosse Pointe Woods Zoning Ordinance. The authority to authorize variances is based on the following:

Sec. 50-149. Variance standards.

(a) Dimensional or nonuse variances. The zoning board of appeals may grant a dimensional or nonuse variance only upon a finding that compliance with the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would create a practical difficulty. A finding of practical difficulty, based on competent, material, and substantial evidence on the record, shall require the petitioner to demonstrate that all of the following conditions are met:

(1) That strict compliance with the restrictions governing area, setbacks, frontage, height, bulk, density, and other similar items would unreasonably prevent the petitioner from using the property for a permitted purpose or would render conformity with said restrictions unnecessarily burdensome.

(2) That a variance would do substantial justice to the petitioner as well as to other petitioners in the zoning district; or whether a lesser relaxation of the restrictions would give substantial relief to the petitioner and be more consistent with justice to others (i.e., are there other more reasonable alternatives);

(3) That the plight of the petitioner is due to unique circumstances of the property;

(4) That the petitioner's problem is not self-created.

(5) That the spirit of this chapter will be observed, public safety and welfare secured, and substantial justice done.

The petitioner's property is one of the largest lots on West Doyle Place. Due to its location on the curve of the street the subject lot is approximately 11,692 square feet. The petitioner states that a need for a taller door opening for travel trailers, including the unique shape of the lot, and the fact that the home on the property is a ranch style are reasons for the granting of the variances.

A taller (or 9') garage door can easily be built into a garage compliant with the 18' maximum height. The plight of the petitioner seems to be entirely self-created. The ownership of travel trailers has nothing to do with any circumstance associated with the subject property. The large size and shape of the property allows the construction of a garage to be larger in area than any of the surrounding properties.

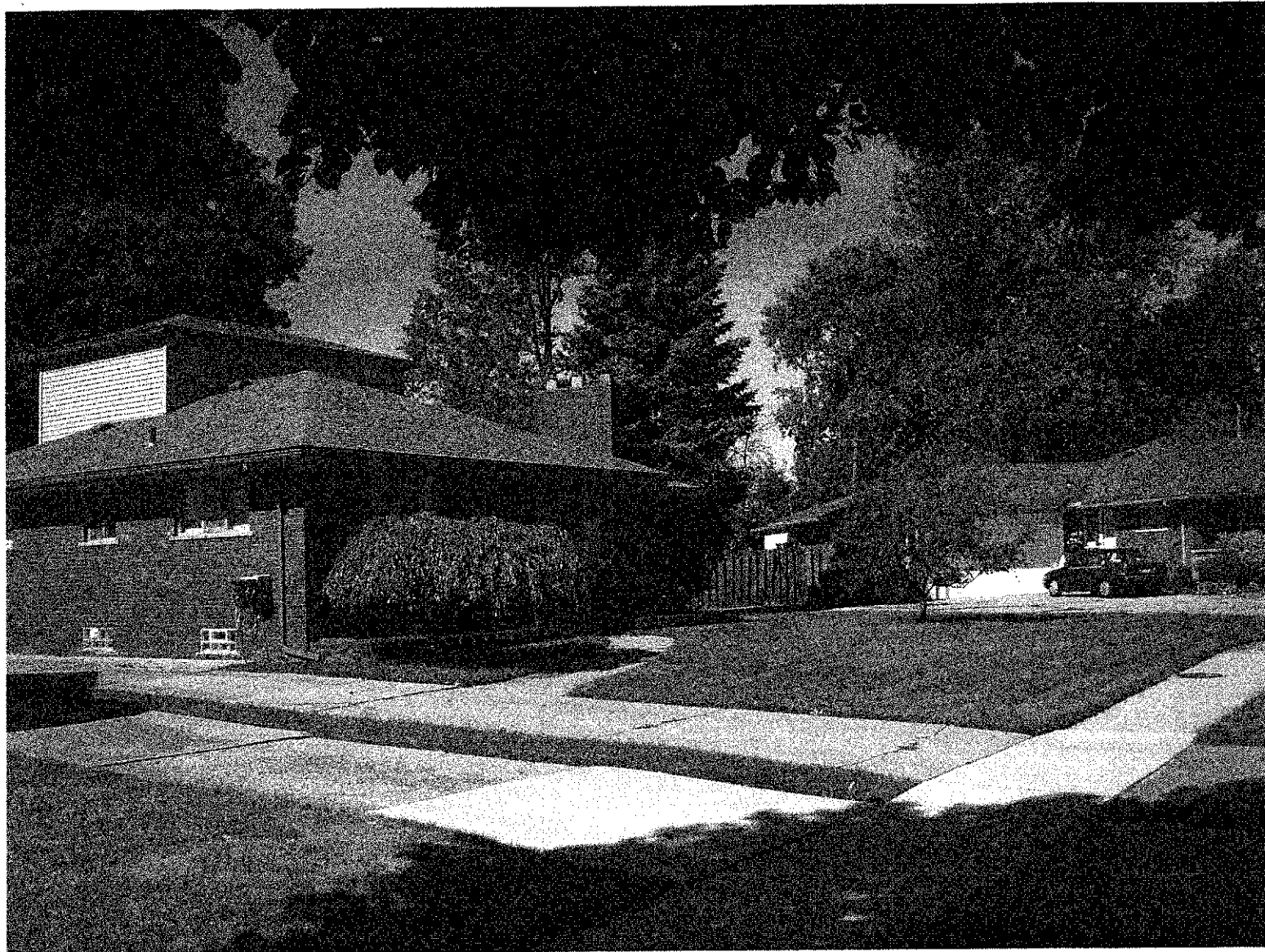
Due to the applicant being unable to demonstrate any of conditions necessary for a variance to be granted, denial of the variances of Section 50-526(2)b 3 & 5 is recommended.

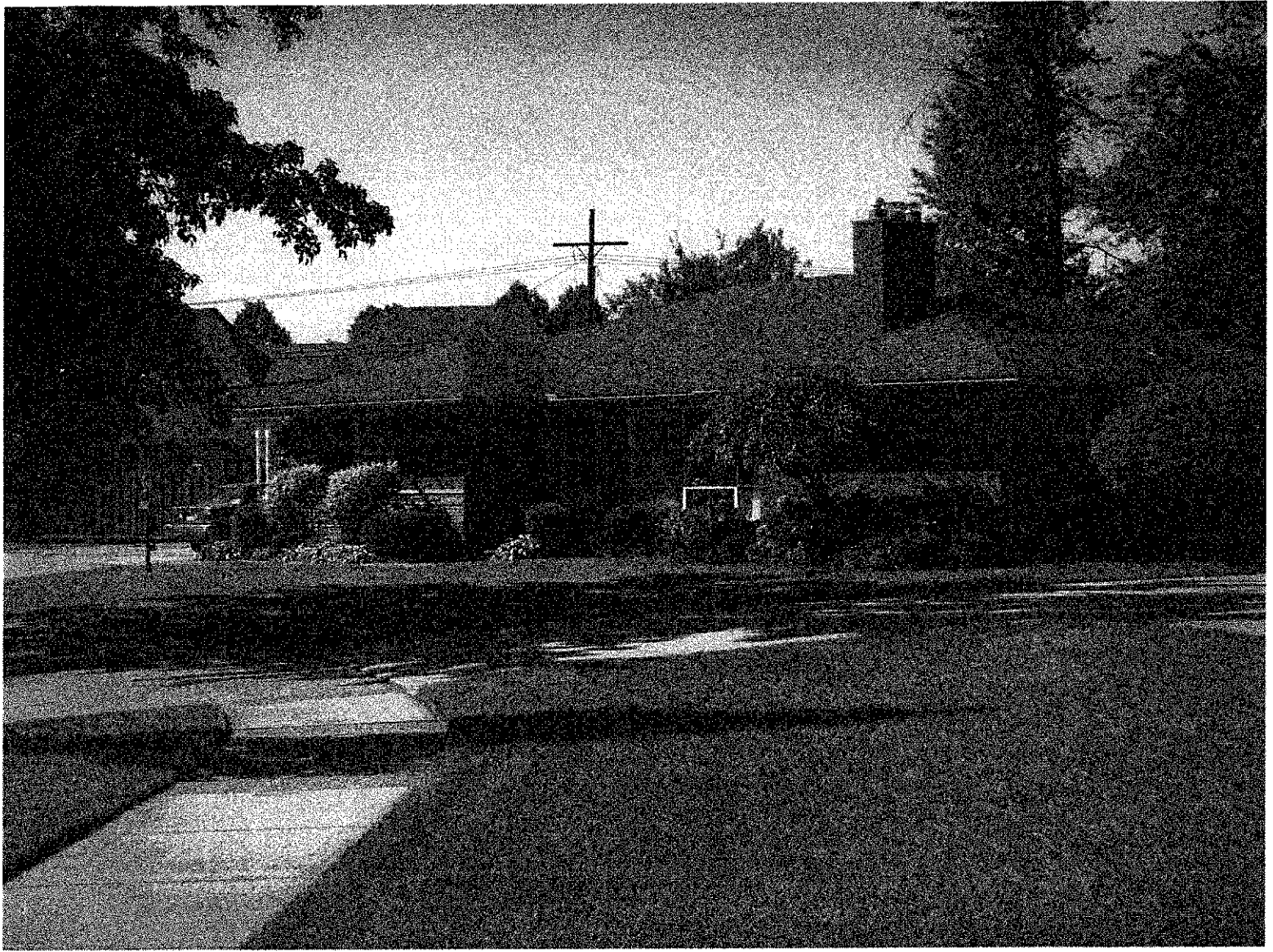
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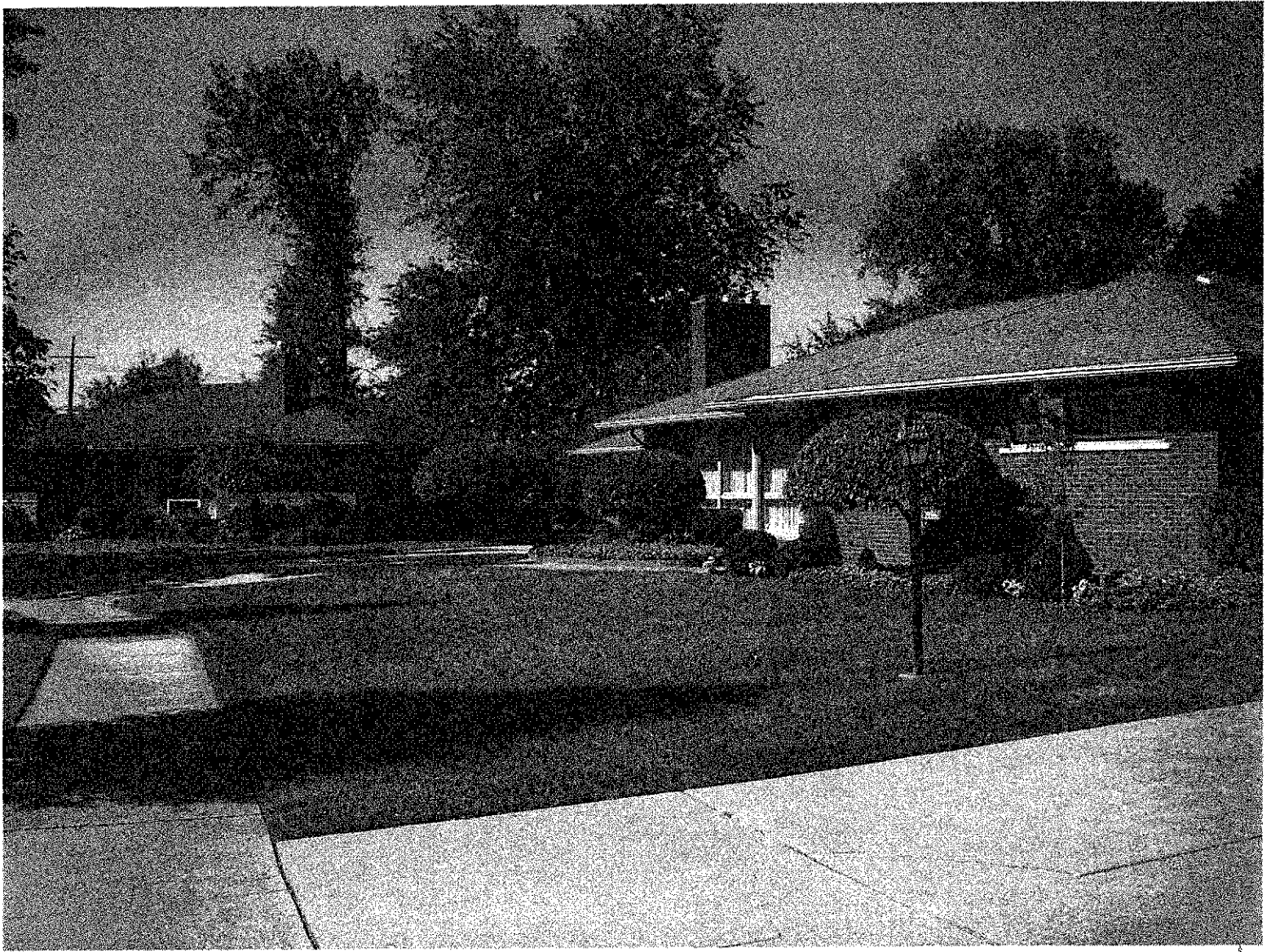
Photos

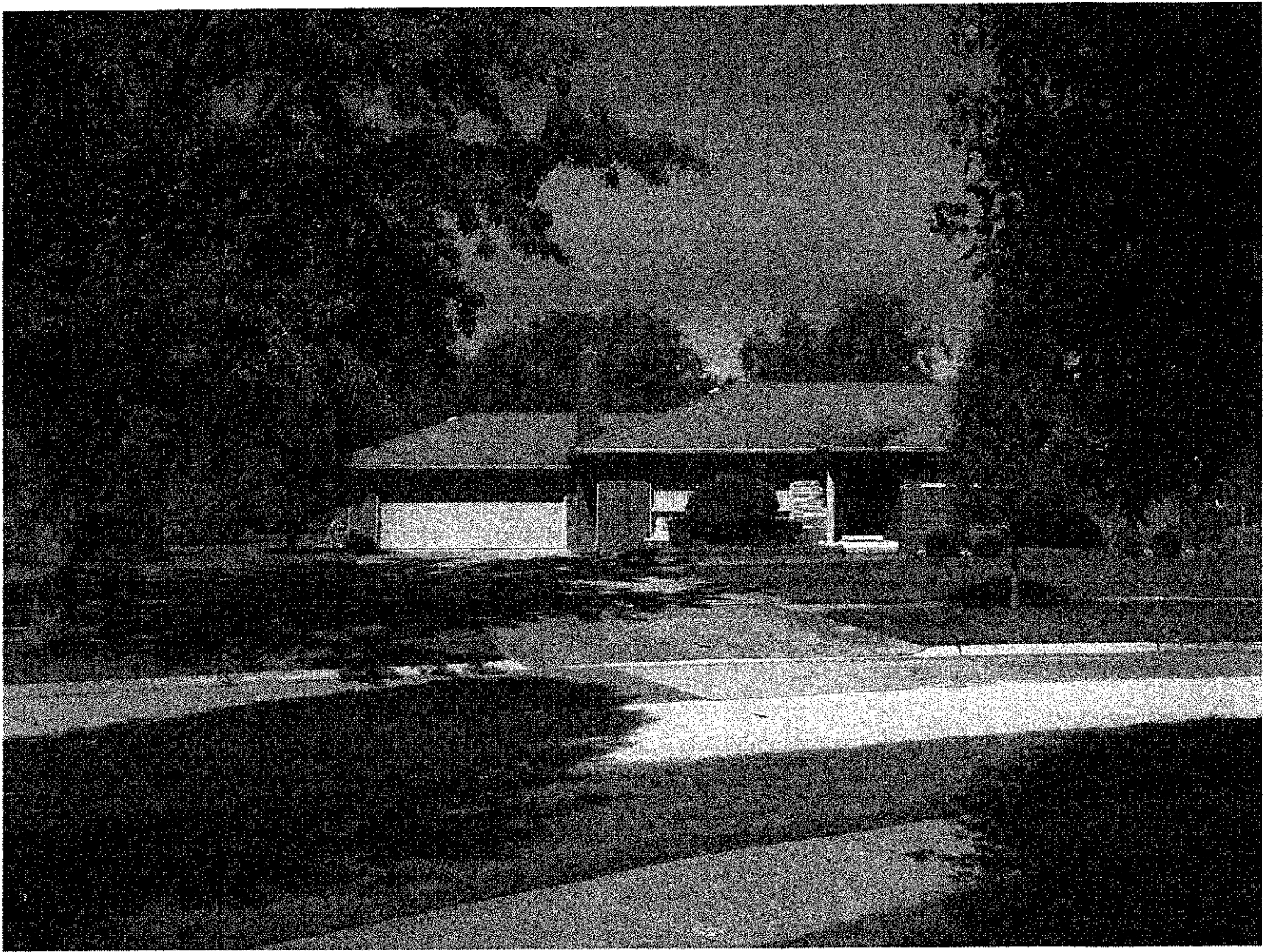
Overhead Map of 19947 W Emory Ct.

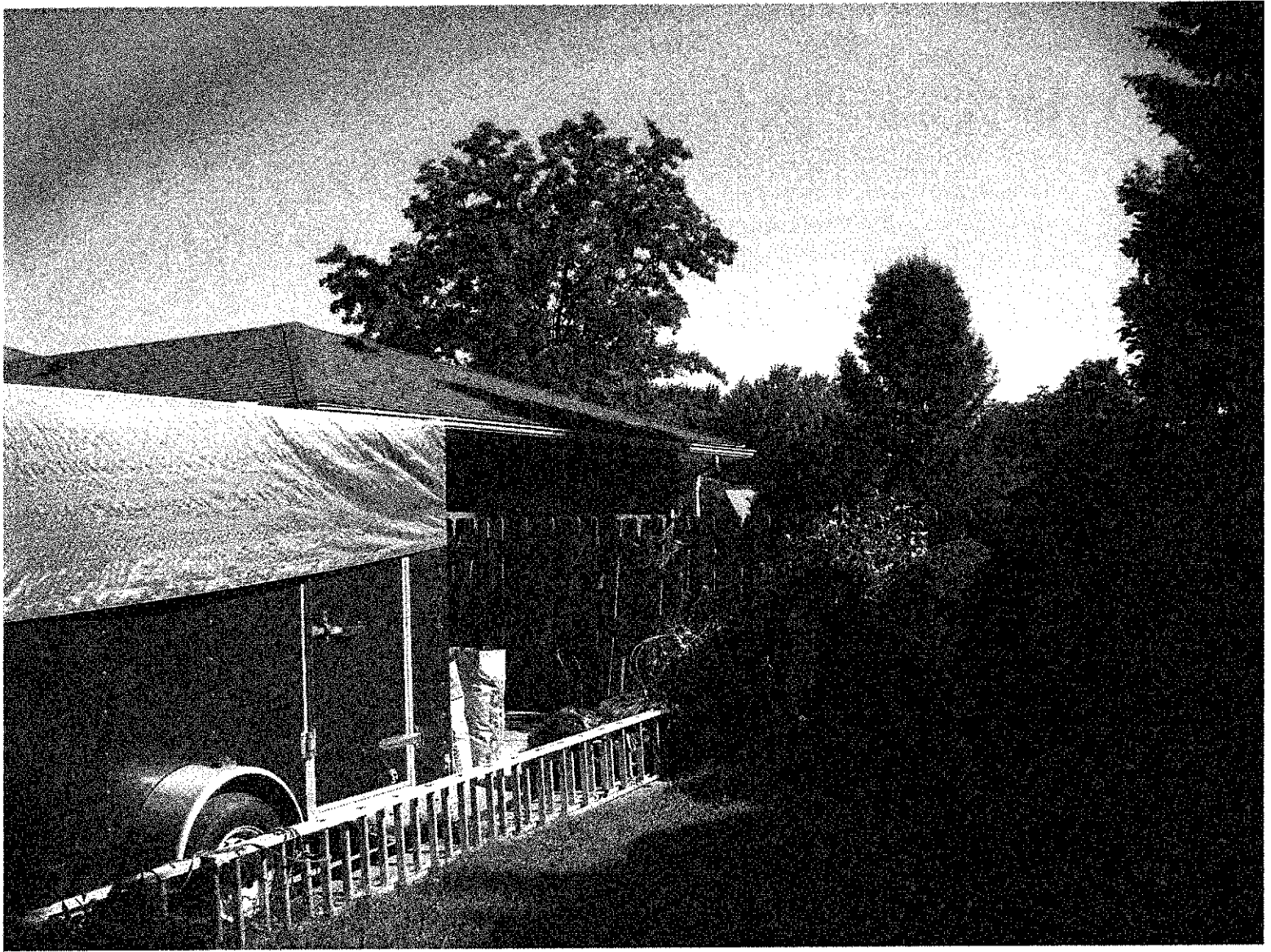
APPROVED BY:  DATE: 9-5-13
Alfred Fincham, City Administrator

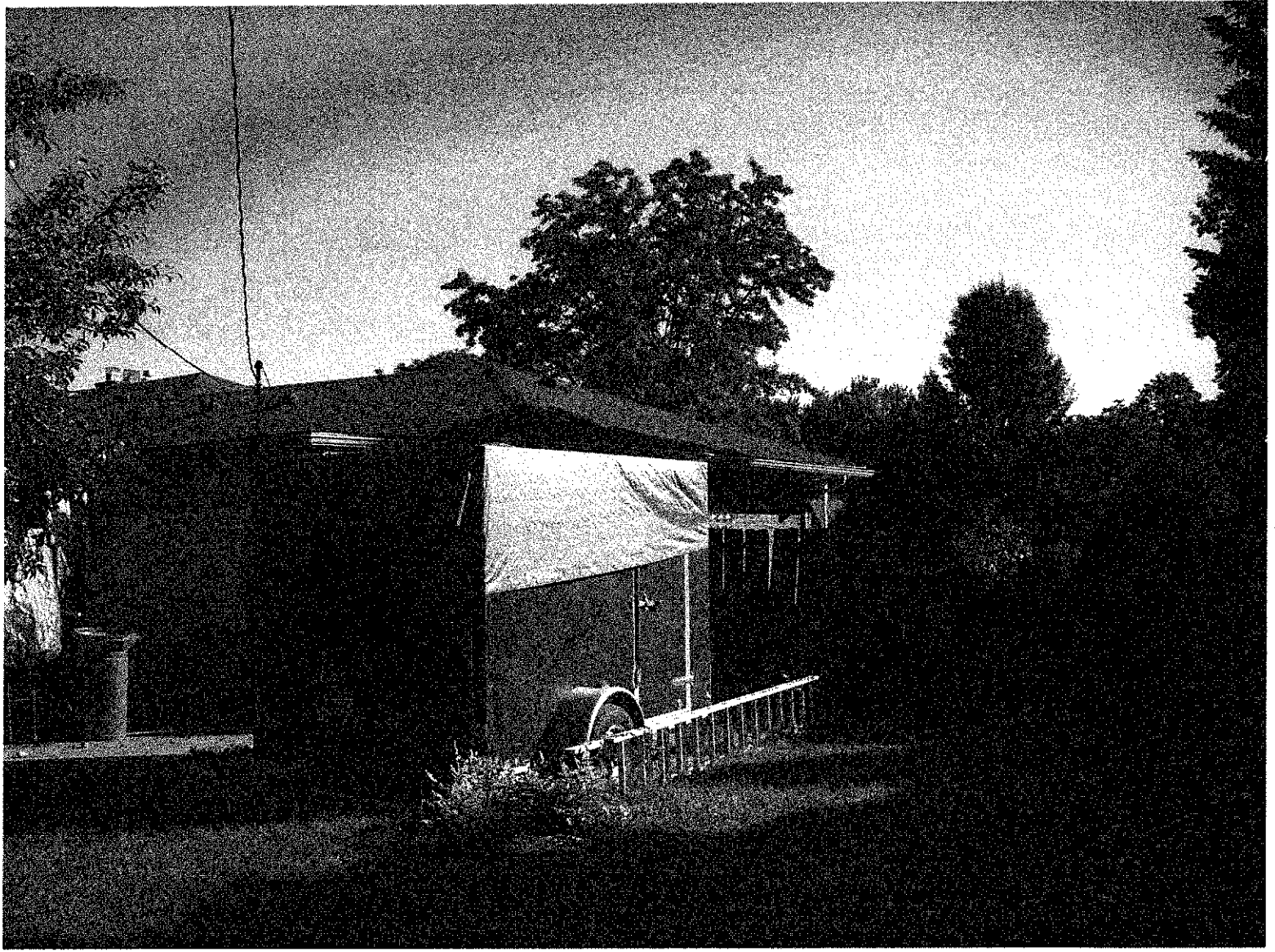




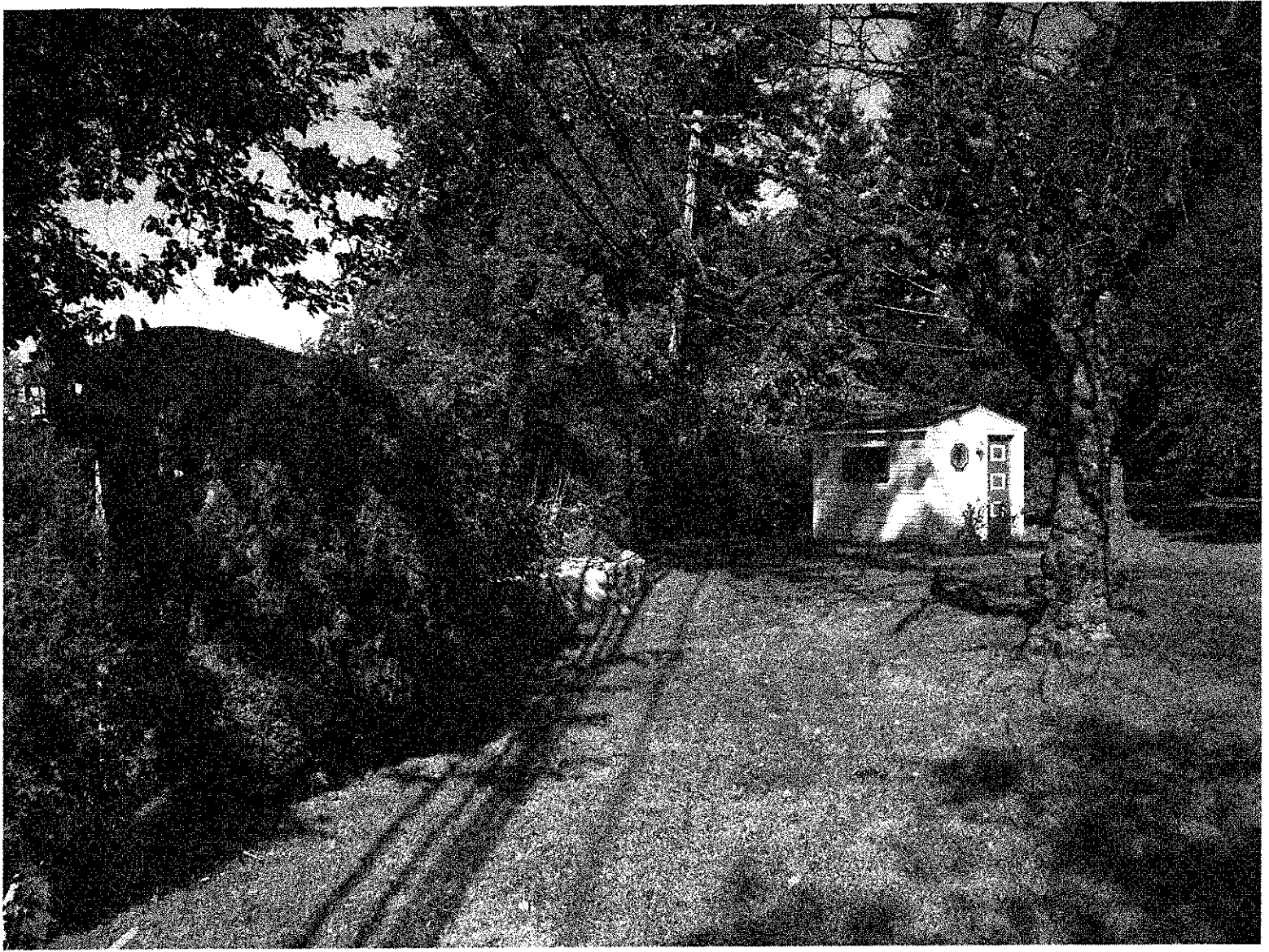


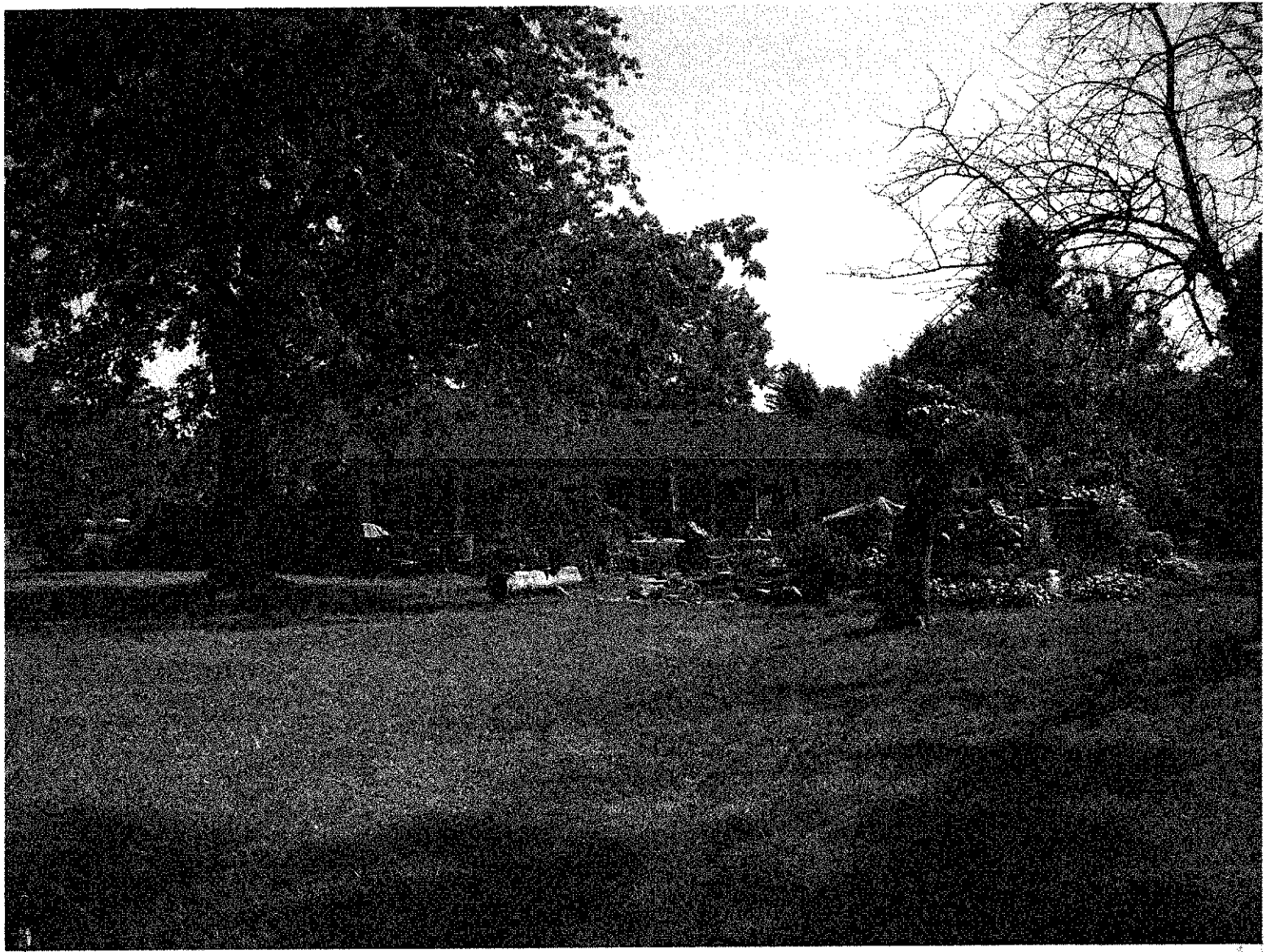


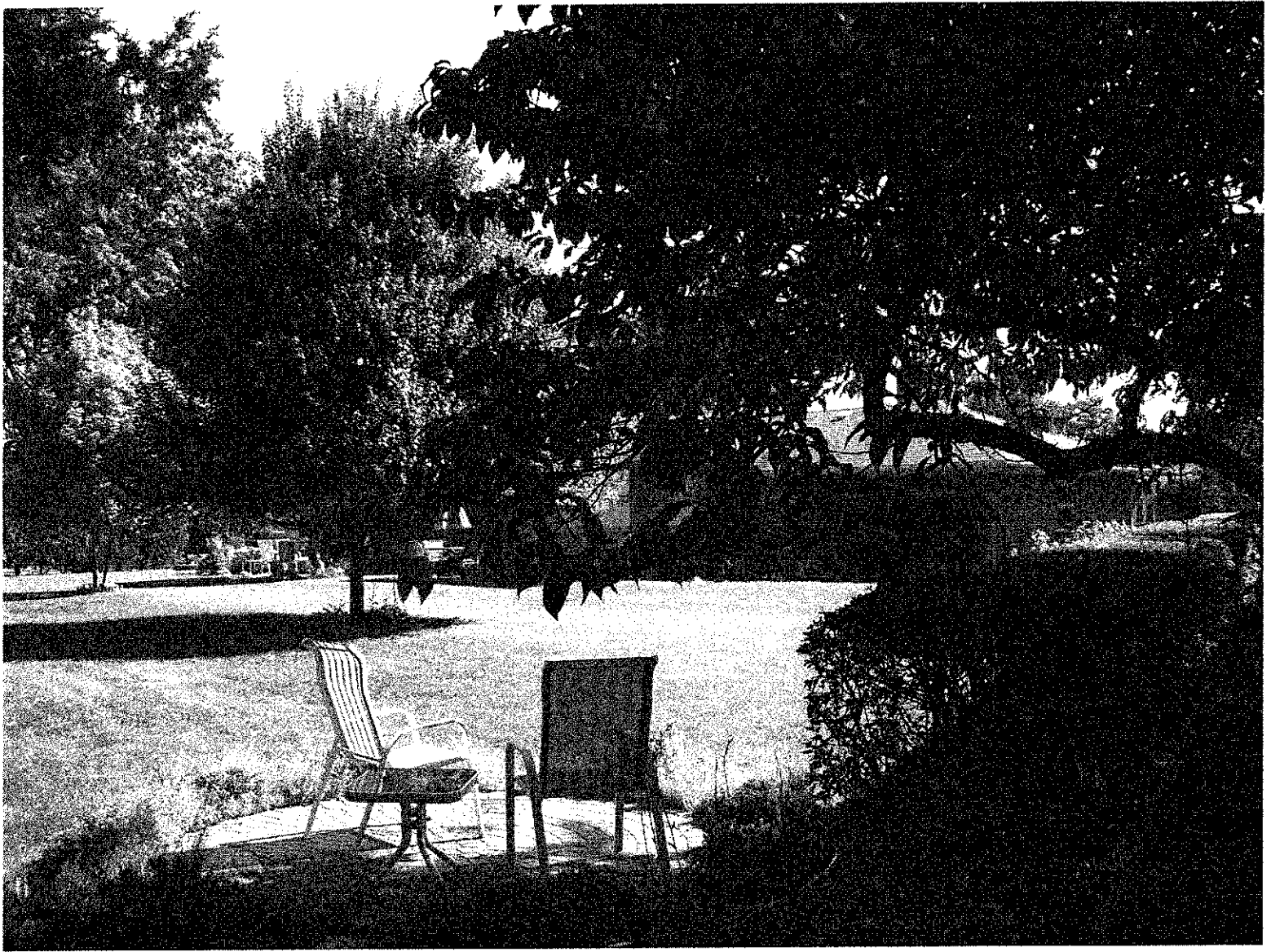


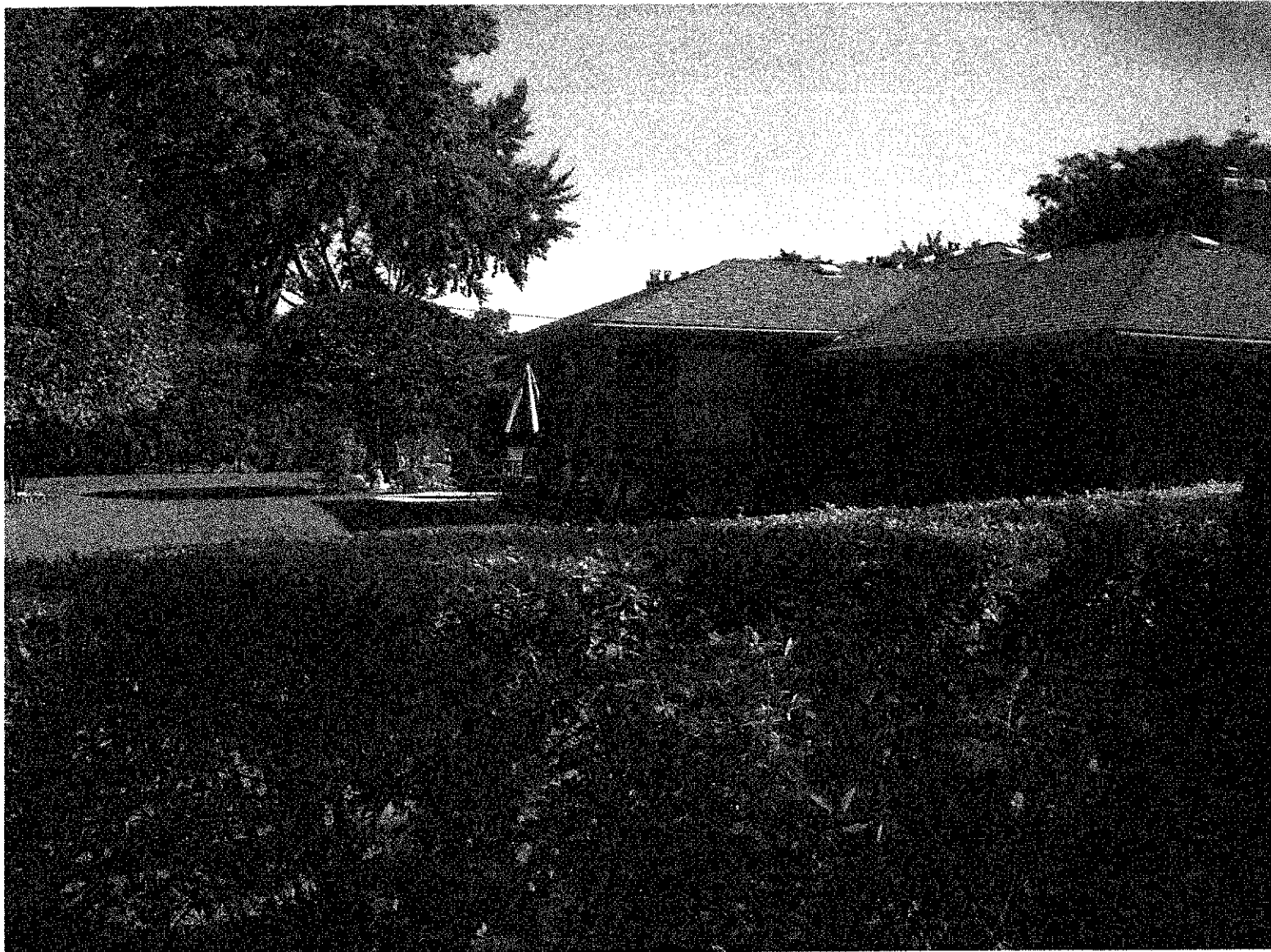


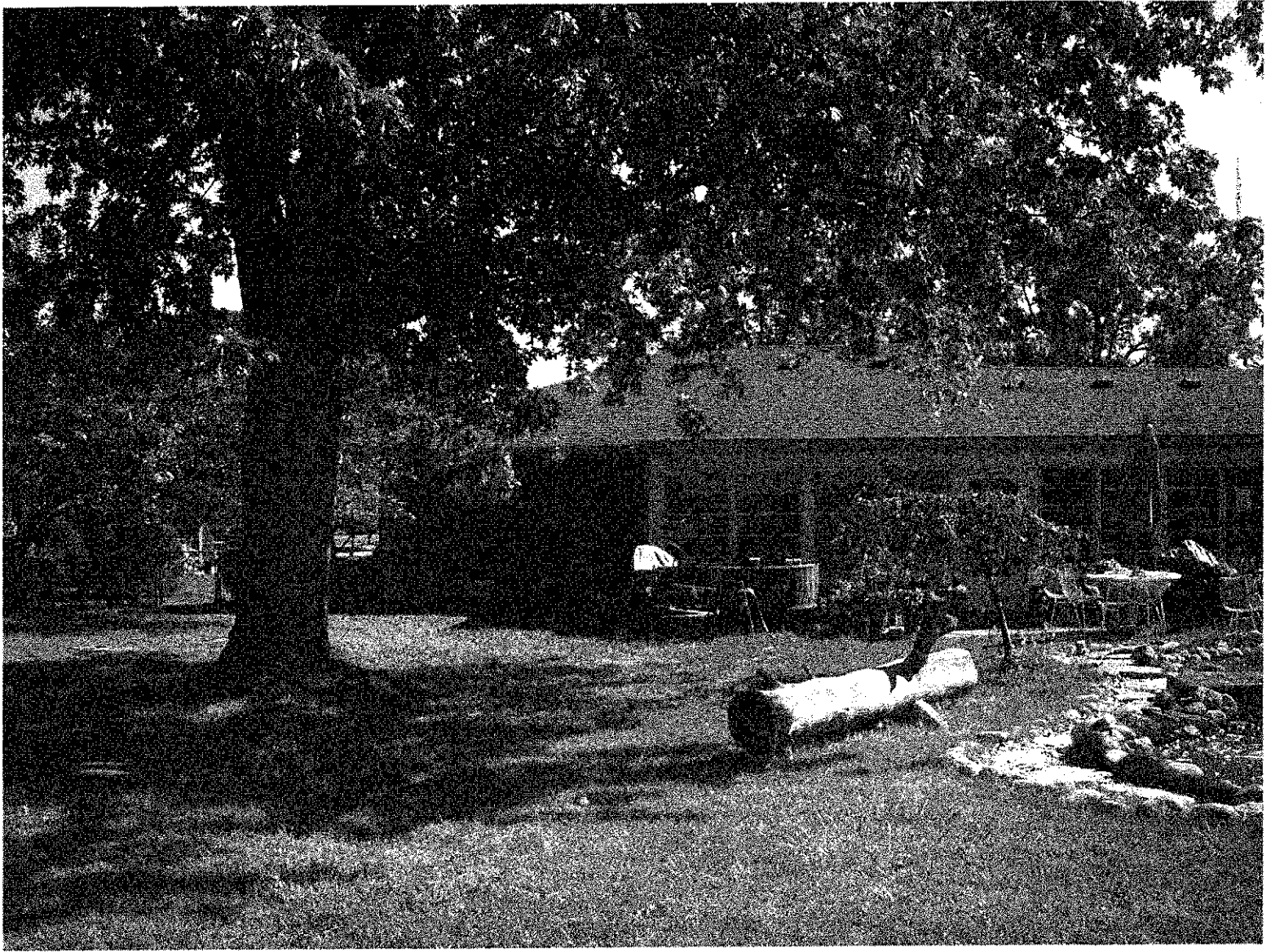




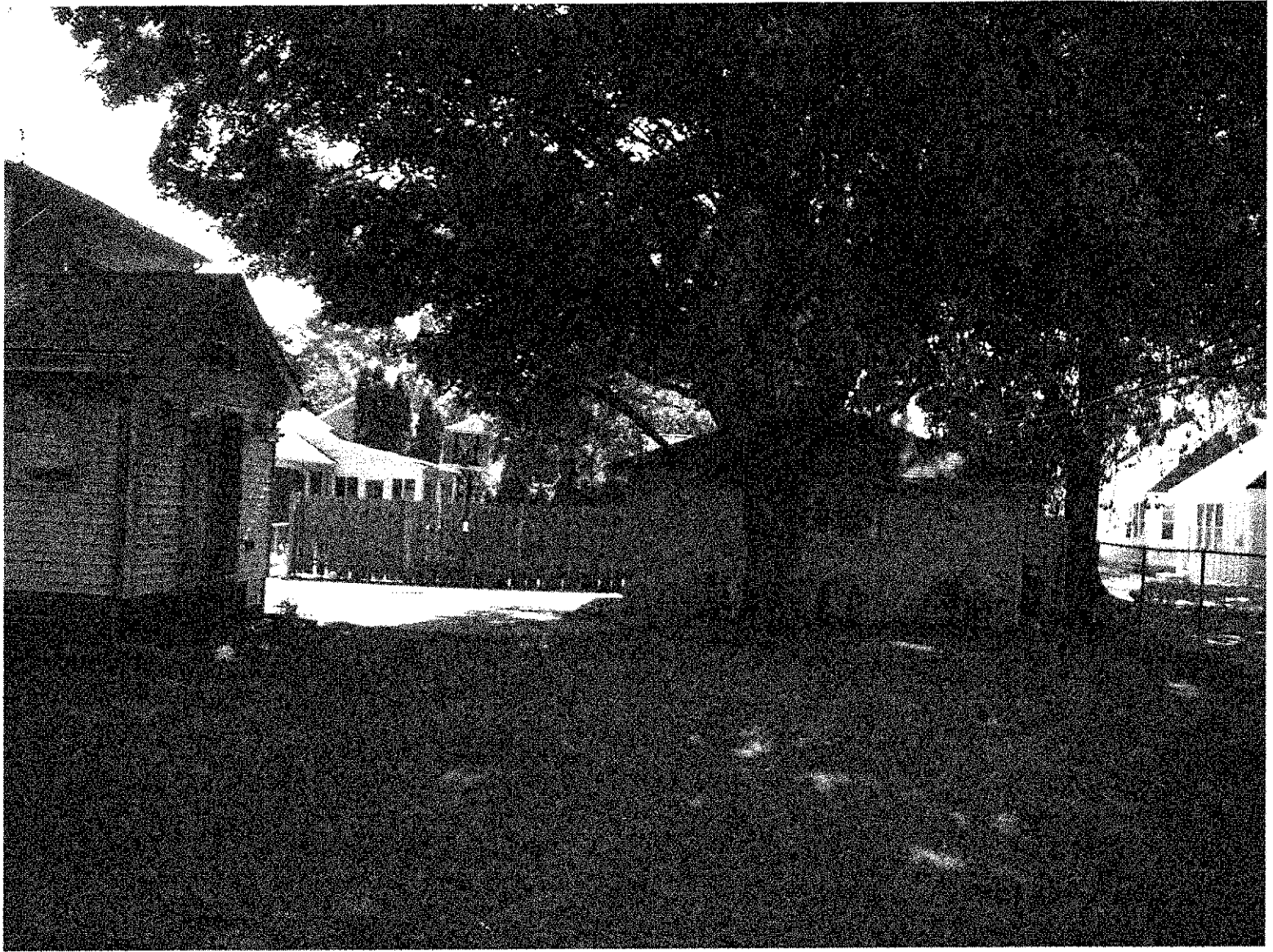


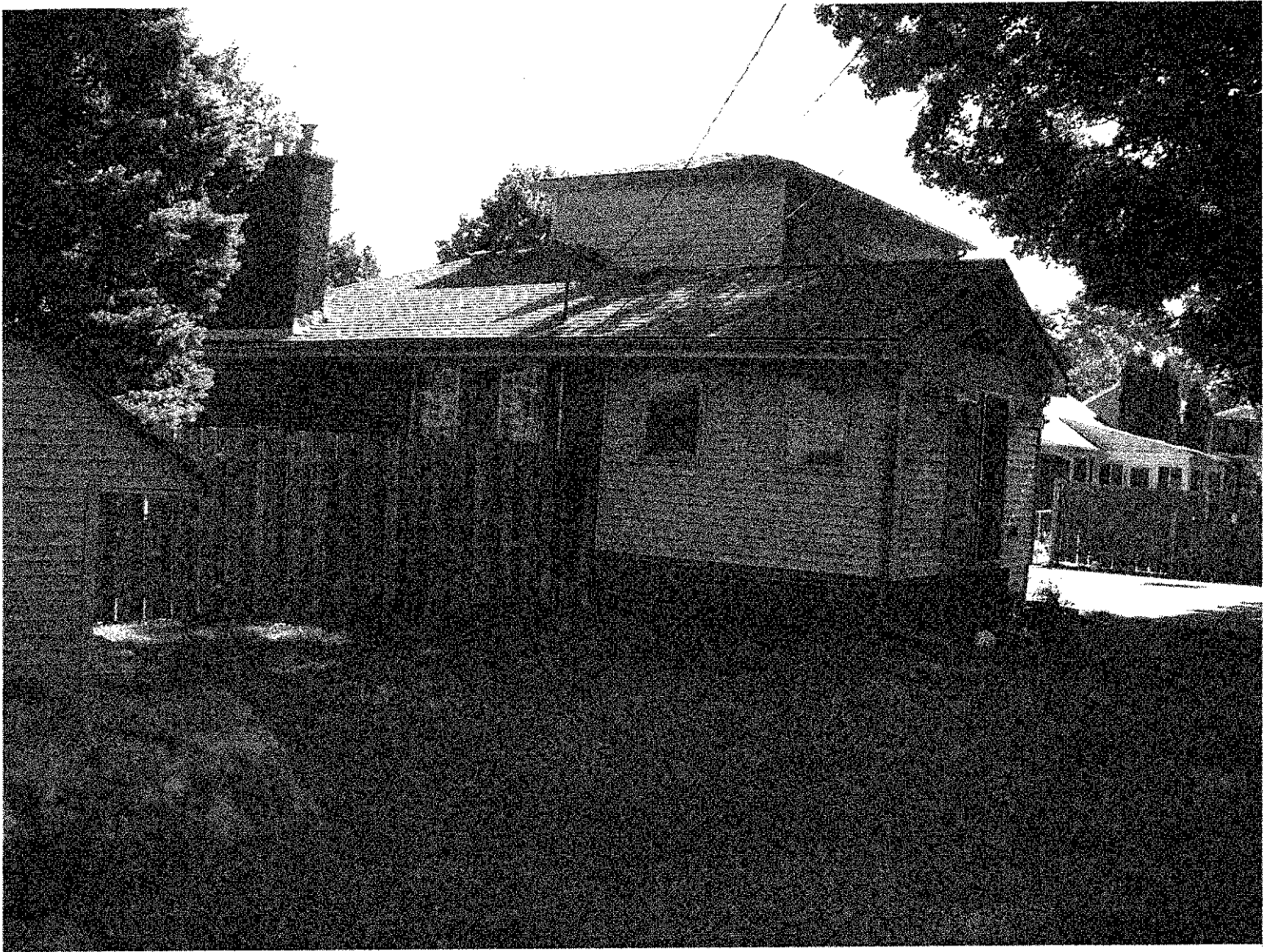


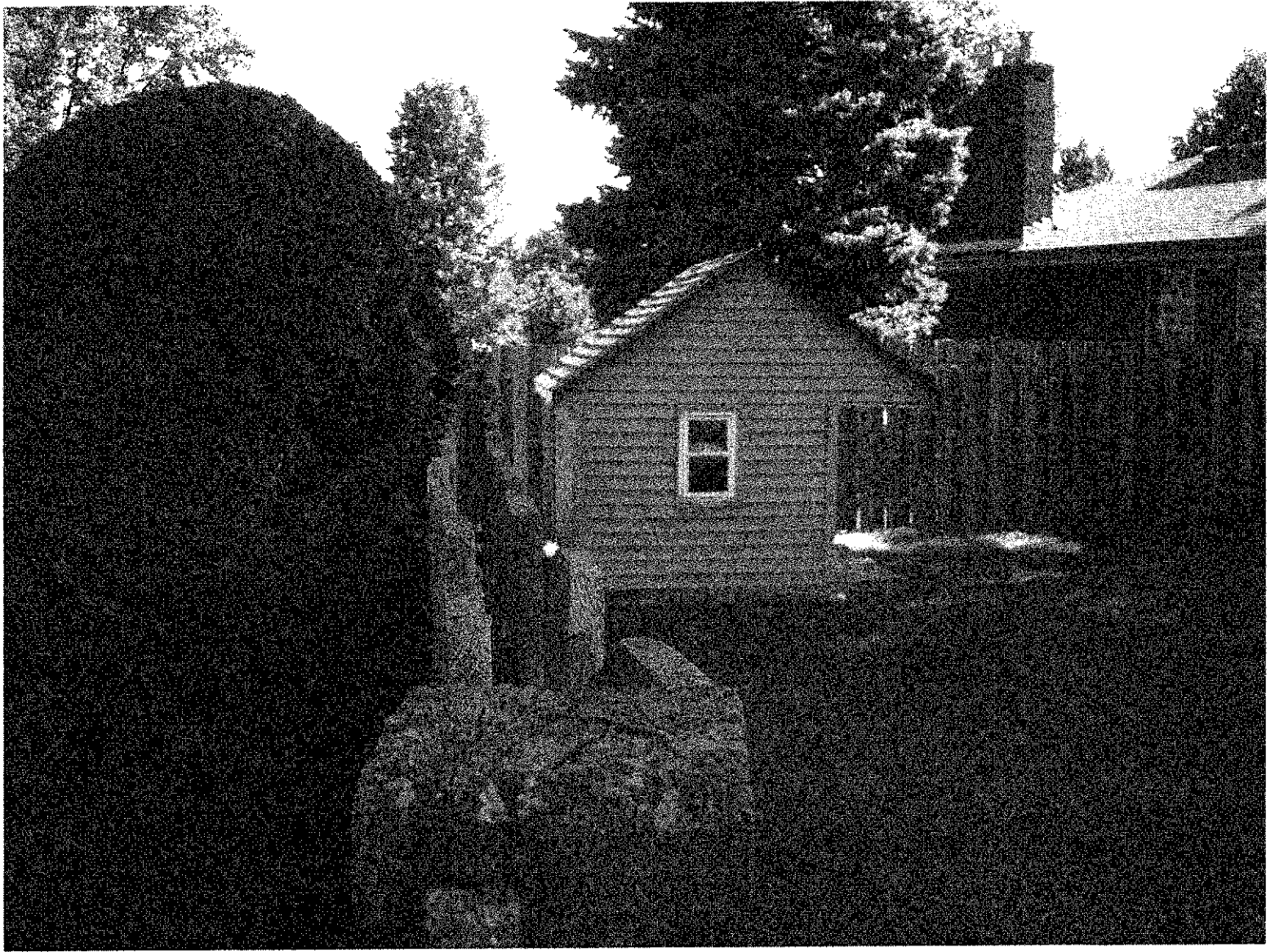


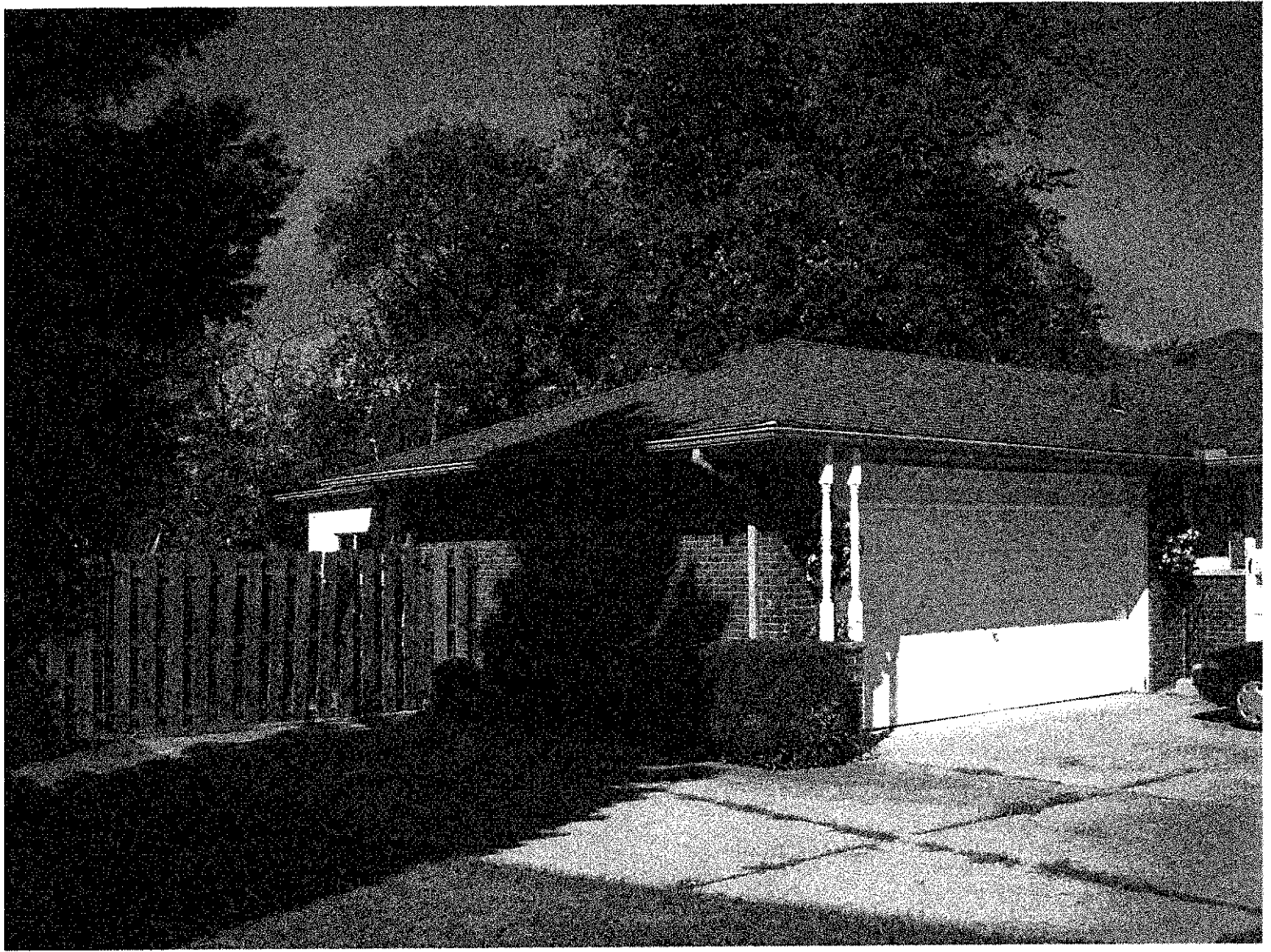














To see all the details that are visible on the screen, use the "Print" link next to the map.



4A-4 F

AFFIDAVIT OF LEGAL PUBLICATION

Grosse Pointe News

21316 Mack Ave
Grosse Pointe Woods, Michigan 48236
(313) 882-3500

COUNTY OF WAYNE
STATE OF MICHIGAN, SS.

Joe Warner

being duly sworn deposes and says that a

City of Grosse Pointe Woods

was duly published in accordance with in
the following date:

August 22, 2013

#3 GPW 8-22 ZBA

and knows well the facts stated herein, a
newspaper.

Subscribed and sworn to before me this

Patrice A. Thomas

City of **Grosse Pointe Woods**, Michigan

NOTICE IS HEREBY GIVEN that the City Council, meeting as Zoning Board of Appeals under the provisions of Michigan Zoning Enabling Act, PA 110 of 2006, MCL 125.3101 et seq. will meet in the Council-Court Room of the Municipal Building, 20025 Mack Plaza, on Monday, September 9, 2013, at 7:35 p.m. to hear the appeal of Jim Wieme, 19947 Doyle Place W., Grosse Pointe Woods, MI, who are appealing the denial of the Building Official to issue a building permit due to noncompliance with Sec. 50-526(2)(3)(5) of the 2007 City Code of the City of Grosse Pointe Woods pertaining to garage height requirements.

The public hearing materials are available for public inspection at the Municipal Building, 20025 Mack Plaza, between 8:30 a.m. and 5:00 p.m., Monday through Friday. All interested persons are invited to attend and will be given opportunity for public comment. The public may appear in person or be represented by counsel. Written comments will be received in the City Clerk's office, up to the close of business preceding the hearing. A group spokesperson is encouraged on agenda items concerning organized groups. Individuals with disabilities requiring auxiliary aids or services at the meeting should contact the Grosse Pointe Woods Clerk's Office at 313 343-2440 seven days prior to the meeting.

G.P.N.: 8/22/2013

Lisa K. Hathaway
City Clerk

Notary Public

PATRICE A. THOMAS
Notary Public, State of Michigan
County of Wayne
My Commission Expires 06-21-2014
Acting in the county of Wayne

AFFIDAVIT OF PROPERTY OWNERS NOTIFIED

Re: 19947 Doyle Place W

Jim Wieme
Garage Height

State of Michigan)
) ss.
County of Wayne)

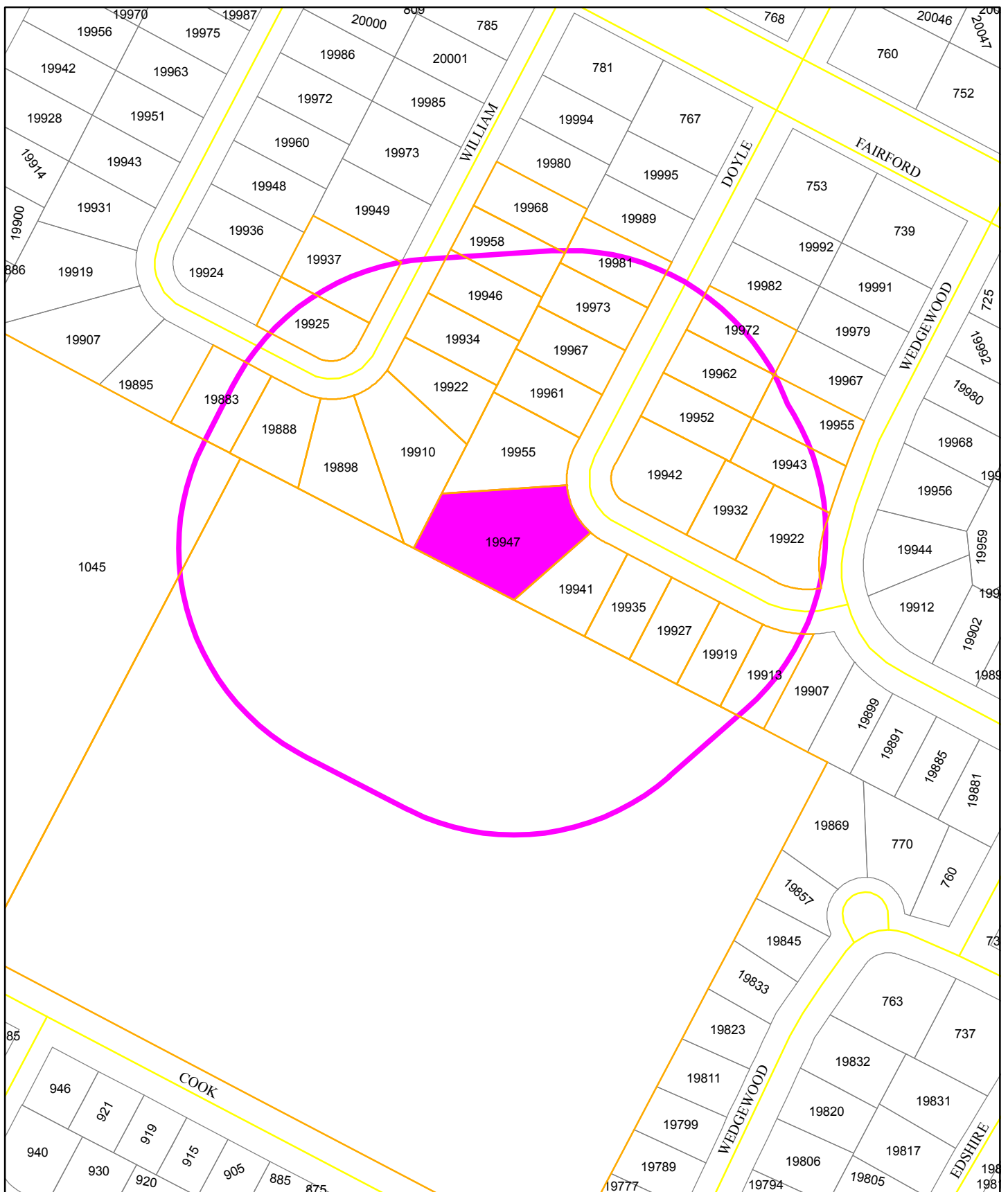
I HEREBY CERTIFY that the notice of Hearing was duly mailed First Class Mail on August 22, 2013 to the following property owners within a 300 foot radius of the above property in accordance with the provisions of the 2007 City Code of Grosse Pointe Woods. A Hearing fee of \$250.00 has been received and acknowledged with receipt # 700670.

Lisa Kay Hathaway
City Clerk

See attached document for complete list.

19947 Doyle Place W - 300' Radius

ownersname	ownersna_1	ownerstree	ownercity	ownerstate	ownerzipco
UNIVERSITY LIGGETT SCHOOL	ATHLETICS BUILDING	1045 COOK RD	GROSSE POINTE WOODS	MI	48236
KRATOCHWILL MICHAEL J		19913 W DOYLE PL	GROSSE POINTE WOODS	MI	48236
BOURGEOIS MICHAEL D	BOURGEOIS DOLLY J	19919 W DOYLE PL	GROSSE POINTE WOODS	MI	48236
EICHENLAUB JOHN W		19922 W DOYLE PL	GROSSE POINTE WOODS	MI	48236
MICHAELS BRAD J	MICHAELS MARC V	19927 W DOYLE PL	GROSSE POINTE WOODS	MI	48236
DEVEROUX TAMI		19932 W DOYLE PL	GROSSE POINTE WOODS	MI	48236
FEDER PAUL M	YESKEY ANNE M	19935 W DOYLE PL	GROSSE POINTE WOODS	MI	48236
HOWARD WILLIAM MAX		19941 W DOYLE PL	GROSSE POINTE WOODS	MI	48236
HUMESTON BRIAN	HUMESTON DALE	19942 W DOYLE PL	GROSSE POINTE WOODS	MI	48236
WIEME JAMES A		19947 W DOYLE PL	GROSSE POINTE WOODS	MI	48236
OCCUPANT		19952 W DOYLE PL	GROSSE POINTE WOODS	MI	48236
SAVAGE MATTHEW IV	SAVAGE SUSAN	19955 W DOYLE PL	GROSSE POINTE WOODS	MI	48236
MAUER MICHAEL		19961 W DOYLE PL	GROSSE POINTE WOODS	MI	48236
MCDONNELL NANCY A		19962 W DOYLE PL	GROSSE POINTE WOODS	MI	48236
GRAHAM ROBERT B	GRAHAM LINDA	19967 W DOYLE PL	GROSSE POINTE WOODS	MI	48236
FREZZA MICHAEL G	MOODY SUSAN B	19972 W DOYLE PL	GROSSE POINTE WOODS	MI	48236
VANDENBROECK ROLAND		19973 W DOYLE PL	GROSSE POINTE WOODS	MI	48236
JEROME WILLIAM	JEROME MARIA	19981 W DOYLE PL	GROSSE POINTE WOODS	MI	48236
VELTRI PAUL J	VELTRI DEBORAH A	19943 WEDGEWOOD DR	GROSSE POINTE WOODS	MI	48236
MOON JACQUELINE J		19955 WEDGEWOOD DR	GROSSE POINTE WOODS	MI	48236
MACK GREGORY P		19883 W WILLIAM CT	GROSSE POINTE WOODS	MI	48236
KACZANOWSKI CHRISTINE		19888 E WILLIAM CT	GROSSE POINTE WOODS	MI	48236
JANOSI ZOLTAN J	JANOSI JANICE M	19898 E WILLIAM CT	GROSSE POINTE WOODS	MI	48236
COUSINO RAYMOND F	COUSINO JOANN S	19910 E WILLIAM CT	GROSSE POINTE WOODS	MI	48236
CALLERT ALFRED	CALLERT CAROLE	19922 E WILLIAM CT	GROSSE POINTE WOODS	MI	48236
JOHNSON MARGARET C		19925 E WILLIAM CT	GROSSE POINTE WOODS	MI	48236
RAMBAUM MARIANNE		19934 E WILLIAM CT	GROSSE POINTE WOODS	MI	48236
BALCIRAK DEAN	BALCIRAK BARBETTE	19937 E WILLIAM CT	GROSSE POINTE WOODS	FL	48236
PIPER KENNETH E		19946 E WILLIAM CT	GROSSE POINTE WOODS	MI	48236
STREBERGER JEFFREY M		19958 E WILLIAM CT	GROSSE POINTE WOODS	MI	48236
HICKS STEVEN A		19968 E WILLIAM CT	GROSSE POINTE WOODS	MI	48236
RIVERS GP DEVELOPMENT LLC	LEVIN RICHARD L	3110 TELEGRAPH RD STE 250	BINGHAM FARMS	MI	48236
RIVERS GP DEVELOPMENT LLC	LEVIN RICHARD L	900 COOK RD	GROSSE POINTE WOODS	MI	48236
P GIA LLC		85 STONEHURST RD	GROSSE POINTE SHORES	MI	48236



Site Plan
Available
For viewing
In the
City Clerk's office