CITY OF GROSSE POINTE WOODS

20025 Mack Plaza

Zoning Board of Appeal Meeting Agenda Monday, January 7, 2013 7:35 p.m.

- 1. CALL TO ORDER
- 2. ROLL CALL
- 3. ACCEPTANCE OF AGENDA
- 4. PUBLIC HEARING
- A. Permitted Use: Michael & Kelly Zilli, 1875 Hawthorne
 - 1. Letter 12/14/12 Kelly A. and Michael A. Zilli
 - 2. Mortgage Survey Rec'd 12/17/12
 - 3. New Business License Application 11/29/12
 - 4. Application to the Zoning Board of Appeals
 - 5. Memo 12/26/12 Building Official, w/attachments
 - 6. Affidavit of Legal Publication
 - 7. Affidavit of Property Owners Notified
 - 8. Aerial Views

5. MINUTES

- A. Immediate Certification 01/07/13
- 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.

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

December 14, 2012



Lisa Hathaway, City Clerk 20025 Mack Plaza Grosse Pointe Woods, MI 48236

Ms. Hathaway,

My name is Kelly Zilli, my husband and I would like to file a petition with the city of Grosse Pointe Woods to obtain a variance to operate a private audiology practice out of our existing residence at 1875 Hawthorne.

Our proposal involves moving my current practice from 21142 Mack Avenue to 1875 Hawthorne. We operate a low volume medical practice dealing in hearing impairment, hearing assessments and hearing aids.

We currently have a variance for two off sight parking spots with the City of Grosse Pointe Woods. The home is already handicap compliant and Gene Tutag has been to our home to verify this fact.

We currently have six adjacent parking spaces on Mack Avenue that are rarely occupied. We have adjusted the entrance of our home to face Mack Ave and have built a walkway that will take our patients directly to Mack Ave. By accomplishing this, we will eliminate any additional traffic on Hawthorne Rd.

We would like to facilitate this request as soon as possible. We appreciate your time and consideration in this matter.

Sincerely,

Michael A. Zi

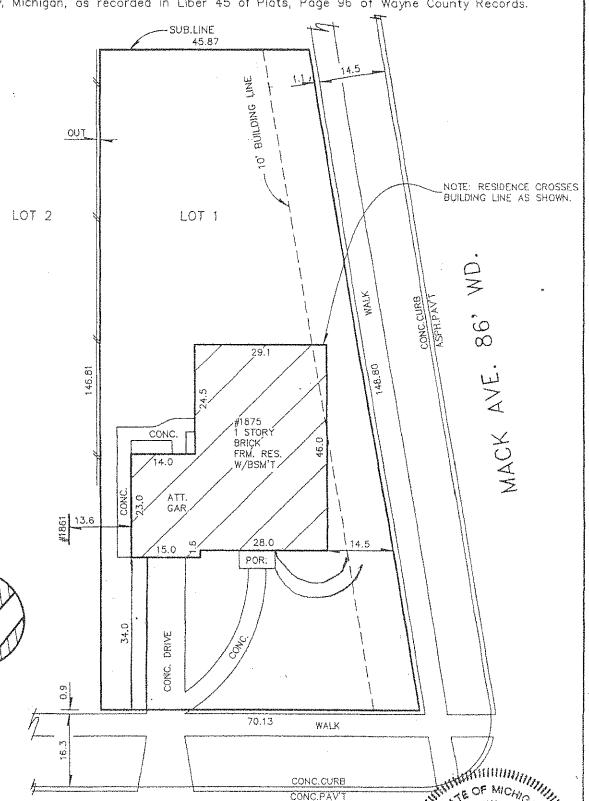
12.14.12

DEC 1 7 2012 CITY OF GROSSE PTE. WOODS
Applicant: MICHAEL ZILLI Property Description: MORTGAGE

Certified to:



Lot 1; HOLLYWOOD SUB, being a subdivision of a part of P.C.'s 223 and 249, between Mack and Marter Roads, Grosse Pointe Twp. (now City of Grosse Pointe Woods), Wayne County, Michigan, as recorded in Liber 45 of Plats, Page 96 of Wayne County Records.





CITY OF GROSSE POINTE WOODS

20025 MACK PLAZA DRIVE GROSSE POINTE WOODS, MI 48236 313-343-2440

WWW.GPWMI.US

Annual Fee: \$100* Expires 3/31 Annually

NEW Business License Application

Renewals Due 4/1 Annually

LICENSE NO:

BUSINESS INFORMATION:	
Business Name:The Far Center	P.P. ID 999///
Business Address: 1875 Hawthorne	Phone: 313-862-4530
City, State Zip: GROSSE POINTE WOODS, MI 48236	Fax: 313 862-4521
Type of Business: Av 10 /00/	No. of Employees: 04
Check One: Partnership () Corporation Individual ()	
BUSINESS OWNER INFORMATION:	
Name: (Kelly) & Michael Zilli	_ Date of Birth: 1768
Address: 192 Hillaest Ln.	Phone: 313 884 5145
City, State Zip: GPF MI 48736	Cell Ph: 313 790 6457
E-Mail: Lely-Zillia hotmail.com	
The following information is required by the Grosse Pol	nte Woods Public Safety Department.
Emergency Contact #1: Michael Zilli	Phone: 313-790-6568
Emergency Contact #2:	Phone:
Emergency Contact #3:	Phone:
Security Company:	Phone:
CURRENT REAL PROPERTY OWNER: Name: Very & Michael Fill Phore Address: Dr. Hill are t	ne: 313-8845175 State Zip: 6PF MI 48226
*Churches, schools, governmental agencies, and banks are fee exempt, howe	
Supply all requested information. Attach a copy of State	
Application is being made in accordance with the 2007 Grosse Pointe Wood All county and city personal property taxes m I hereby affirm that the above information and any accompanying informatio Applicant's Signature Title	s City Code, Ch. 10 Art. II, Sec 10-19 through 10-27.
Do Not Write Below this Line. For Off.	icial Use Only.
[] Use Approved Public Hearing Date Use Denied [] Variance Approved NOTE [] Variance Denied Public Hearing Date NOTE	
CASHIER'S COPY USE VARIANCE DO NOT BETACH - OFFICE	COPY
Business Name:	-
Business Address:	AMOUNT DUE: Prorated Monthly
City, State Zip: GROSSE POINTE WOODS, MI 48236	TOTAL DUE:

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

APPLICATION TO THE ZONING BOARD OF APPEALS 1. Address of the Property: (Number and Street) TO THE ZONING BOARD OF APPEALS I (We) Phone No. (Daytime hereby appeal to the Zoning Board of Appeals for a variance to: 2. DESCRIPTION OF CASE (Fill out only items that apply) Present zoning classification of the property а. Description of property (1) Size and Area of Lot Is the lot a corner or interior lot (2) Payment Validation

*NOTE: When answering questions pertaining to use and non-use variances, additional paper may be used.

c.	Description of EXISTING structures
	(1) Total square footage of accessory building now on premises 140 (24); of main buildings
	(2) Uses of building on premises Human bou Grunges to
	(3) Percentage of lot coverage of all buildings on ground
	level%
d.	Description of PROPOSED structures
	(1) Height of proposed structure
	(2) Height and area of existing structure
	(3) Dimensions and area of structure or addition to be constructed
	(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)
	(3) Rear Yard (measured from lot line)
f.	A sketch drawn to scale depicting the above information shall be included herewith.
non-use bulk or	OF VARIANCE REQUEST: NON-USE – Common regulations subject to evariance requests: setbacks, height or parking regulations, lot coverage, landscaping restrictions. Uniqueness: odd shape, small size, wetland, creek, features, big trees or slopes.
evidenc	ng of practical difficulty, based on competent, material, and substantial e on the record, shall require the petitioner to demonstrate that all of the ng conditions are met (please answer all reasons):
a) That the p	the ordinance restrictions unreasonably prevent the petitioner from using roperty for a permitted purpose.
Th	e house has most wack entrance
1	My handicap accessible huilding

3.

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?)
Private practice, low impact office us.
Dental nonnerty section & Comun home
RETITUL PROPERTY SECTIONS, GROUP MOME
all have unknown variables wieviction laws
c) That the plight of the petitioner is due to unique circumstances of the property.
Master Plan - 4 of 5 homes keft
on Mack Ave Still residential Not
convenient to raise small abildoon movinace
NOISY, Halacent to huve nommercial bidato
d) That the alleged hardship has not been self-created or created by any person presently having an interest in the property.
The home was nurchased as intent
to use as an Audiology Practice I currently
CRUT ON MACK MIR FOR STOSE 3 VIS TO
Provide services, 21142 Ear Center Audiology Inc.
e) That the spirit of the Grosse Pointe Woods Ordinance will be observed, public
safety secured, and substantial justice done.
Proper Alarm system, motion 4ensor lights
privacy fence for revarious, low impact
100 volume traffic, city approved sign!
Groomed to improve the look of mack Avenue
convenience for regidente

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.
	Residentials living intended
	In the 1960's currented 1 of 5 homes
	left on mack AR, still not rezoned,
	masterpian put in place to improve city and
	b) That the plight of the petitioner is due to unique circumstances peculiar to the property and not to general neighborhood conditions.
	Mastrolan has been nut in place
	TO UNGET MACK ALLANIE SPINICES
	1000 and appeal to without and agen
	TOURS OTHE ASSECT TO COUNTY OF THE
	c) That the use requested by the variance would not alter the essential character of the area and locality.
	LOW impact, low holume traffic
	will not aharde character
	of the area Got locality.
	d) That the alleged hardship is not self-created or created by any person presently having an interest in the property.
	The house was purchased completely
	nanoway accessibly there by
	perfect for a Low impact office.

	e) That the spirit of the Grosse Pointe Woods Ordinance will be observed, public safety and welfare secured, and substantial justice done.
	Sign approved by city, Plarm system, inspection
5.	Interpretation of the Zoning Ordinance is requested because:
	PROFESSIONAL OFFICE With meterrol narking 7,500
	along our property (1/8,80) malk so forthantage
	Garage 2 our or we way as well to practice
6.	Article and Section of the Zoning Ordinance that is being appealed: Medical Service
0.	50-208 1
I here	by depose and say that all the above statements and the statements contained in the
paper	s submitted herewith are true and correct.
	SUNG ZUC HAUNG ZUCH
	Signature of Petitioner //Signature of Applicant
Subsc	cribed and sworn to before me this/\(\bigcup_{\text{day of }} \) day of\(\bigcup_{\text{V}}\)\(\bigcup_{\text{20}}\) (\(\bigcup_{\text{day of }}\)
	Notary Public
	My Commission expires

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.

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

TO:

Zoning Board of Appeals

FROM:

Gene Tutag, Building Official

DATE:

December 26, 2012

SUBJECT:

Appeal on the denial of an application for a Business License to operate a medical practice from 1875 Hawthorne which is not permitted in the R-1C

Zoning District.

The applicants, Michael and Kelly Zilli, have applied for a business license to operate a medical practice from 1875 Hawthorne. The application was denied.

Section 50-208(7) of the Grosse Pointe Woods Zoning Ordinance states:

In residential homes on lots abutting Mack Avenue, a mixed occupancy shall be permitted involving the use of the property as a residence and one of the following uses by the resident occupant: a physician's office, a dentist's office, a lawyer's office or a real estate broker's office, provided that parking requirements for such mixed occupancy shall comply with Section 50-530.

The Zillis will not be residing in the home, as stated on the application, as they intend to use the property entirely for an office use.

The property is currently being used as a single family residence which is permitted use in the district.

Surrounding uses and zoning are as follows:

East: R-1C Single family residential.

North: R-1C Single Family Residential

West: C Commercial Business South: C Commercial Business Previously this property has been the subject of a denied variance of Section 98-17(8)d.3 in November of 2004, variance of Section 98-72(d)3 regarding parking requirements was granted in February of 2005, and in July of 2005 a use variance of Section 98-72(7) was denied to conduct a medical records business from the home (copies attached).

Section 50-149 states that a finding of an unnecessary hardship is required to be demonstrated in order for a use variance to be granted as follows:

Use variances. The zoning board of appeals may grant a use variance only upon a finding that there is an unnecessary hardship in the way of carrying out the requirements of this chapter. A finding of unnecessary hardship, 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) The property cannot reasonably be used in a manner consistent with existing zoning;
- (2) That the plight of the petitioner is due to unique circumstances peculiar to the property and not to general neighborhood conditions;
- (3) That the use to be authorized by the variance will not alter the essential character of the area and locality;
- (4) That the 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 zoning board of appeals may consider evidence from a variety of sources in making its determination.

As stated in Section 50-149 all of the conditions must be met in order for the variance to be granted.

After review of the information provided, visual inspection of the property, and review of application of the standards for a use variance, there does not appear to be evidence of an unnecessary hardship:

- (1) The property cannot reasonably be used in a manner consistent with existing zoning; *The property is currently being used as a single family residence, a permitted use in the R-IC zoning District.*
- (2) That the plight of the petitioner is due to unique circumstances peculiar to the property and not to general neighborhood conditions; *The petitioner's*

- property is consistent with other homes found in the area with regard to lot size area and construction.
- (3) That the use to be authorized by the variance will not alter the essential character of the area and locality; *Using the property entirely as an office may impact the surrounding residents.*
- (4) That the problem is not self-created; Currently the property is being used as a permitted use in the district. The petitioners are requesting the variance for the property to be used entirely as a office use, contrary to the ordinance.
- (5) That the spirit of this chapter will be observed, public safety and welfare secured, and substantial justice done. The purpose of the R-1C District is the establishment of a district where the principal land use is single family dwellings, section 50-208(7) does allow a mixed use of this property due to its location adjacent to Mack Avenue, but the property still has to maintain its single family residential component.

The standards to justify the granting of this variance cannot be met. It is recommended that the request be denied.

Attachments

Alfred Fincham
City Administrator

__ DATE: 1-2-13

COUNCIL EXCERPT 11-15-04

THE MEETING WAS THEREUPON OPENED AT 8:15 P.M. FOR 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 PETITIONERS MICHAEL & KELLY ZILLI, 1875 HAWTHORNE, GROSSE POINTE WOODS, WHO ARE APPEALING THE DENIAL OF THE BUILDING INSPECTOR TO ISSUE A BUILDING PERMIT FOR PERMISSION TO USE A SINGLE-FAMILY HOME AS A MIXED-USE

OCCUPANCY AS PERMITTED IN SECTION 98-72(7) OF THE CITY CODE. THE BUILDING PERMIT WAS DENIED BECAUSE THE PARKING REQUIREMENTS OF CHAPTER 98,

ZONING, ARTICLE I, SECTION 98.17(8)D.3 (OFF-STREET PARKING REQUIREMENTS) FOR THE OFFICE PORTION OF THE OCCUPANCY CANNOT BE MET. A VARIANCE IS THEREFORE REQUIRED.

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

- 1) Lettter 10-29-04 Michael & Kelly Zilli
- 2) Mortgage Survey 11-01-04
- 3) Excerpt Definition of Home Occupation (City Code)
- 4) Memorandum 11-08-04 Building Inspector
- 5) Notice of Hearing 11-08-04
- 6) Affidavit of Property Owners 11-04-04erschback
- 7) Aerial View 11-08-04
- 8) Zoning Regulation 98-72; Item #7

Motion carried by the following vote:

Yes:

Dickinson, Granger, Howle, Novitke, Reynolds

No:

None

Absent:

Chylinski, Spicher

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

Kelly Zilli - 1875 Hawthorne

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

Stan Grumeretz – 1861 Hawthorne

COUNCIL EXCERPT 11-15-04

Motion by Reynolds, seconded by Howle, that the public hearing BE CLOSED at 8:23 p.m. PASSED UNANIMOUSLY.

Motion by Granger, seconded by Dickinson, regarding Zoning Board of Appeal of **petitioners Michael & Kelly Zilli, 1875 Hawthorne, Grosse Pointe Woods,** that the Council **denies** the variance of Section 98-17(8)d.3.

Motion **AMENDED** by Granger, seconded by Dickinson, regarding Zoning Board of Appeal of **petitioners Michael & Kelly Zilli, 1875 Hawthorne, Grosse Pointe Woods**, that the Council deny the variance of Section 98-17(8)d.3 and that the reason for denial is that the presentation at this time demonstrates the clients will be utilizing the front door on the residential street and therefore the request encroaches upon the neighborhood.

COUNCIL

11-15-04 - 242

Substitute Motion by Howle, seconded by Reynolds to table the issue.

Substitute Motion **FAILED** by the following vote:

Yes:

Howle, Reynolds

No:

Dickinson, Granger, Novitke

Absent:

Chylinski, Spicher

Substitute Motion by Howle, seconded by Dickinson, to concur with the petitioner and allow them to rescind the request.

Substitute Motion carried by the following vote:

Yes:

Dickinson, Granger, Howle, Novitke, Reynolds

No:

None

Absent:

Chylinski, Spicher

The Chair declared a recess at 8:57 p.m. and reconvened at 9:03 p.m.

THE MEETING WAS THEREUPON OPENED AT 7:45 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 **MICHAEL AND KELLY ZILLI, 1875 HAWTHORNE** WHO ARE APPEALING THE DENIAL OF THE BUILDING INSPECTOR TO ISSUE A BUILDING PERMIT FOR 1875 HAWTHORNE, GROSSE POINTE WOODS. THE PERMIT WAS DENIED DUE TO A DEFICIENCY IN OFF-STREET PARKING SPACES OF THE 1997 CITY CODE. A VARIANCE IS THEREFORE REQUIRED. (SECTION 98-72(D)(3) OF 1997 CITY CODE.)

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

- 1) Letter 01-18-05 Michael & Kelly Zilli
- 2) Mortgage Survey 01-24-05
- 3) Excerpt 11-15-04 Council
- 4) Memo 1-17-05 Building Inspector
- 5) Notice of Hearing 01-26-05
- 6) Affidavit of Property Owners 1-26-05
- 7) Aerial View 01-26-05

Motion carried by the following vote:

Yes:

Chylinski, Dickinson, Granger, Howle, Novitke, Reynolds, Spicher

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:

Kelly Zilli – 1875 Hawthorne

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 Granger, seconded by Reynolds, that the public hearing BE CLOSED at 7:50 p.m. PASSED UNANIMOUSLY.

COUNCIL EXCERPT 02-07-05

Motion by Granger, seconded by Howle, regarding **Michael and Kelly Zilli, 1875 Hawthorne**, who are requesting a variance for two off-street parking spaces, in accordance with the mortgage survey dated January 24, 2005, that Council accept the recommendation of the Building Inspector and grant the requested variance of Section 98-17(8)d.3, based upon the fact that strict compliance with the code would result in the loss of two on-street parking spaces on Mack currently being used by all businesses in the area in order to gain two spaces that would be used exclusively by the Petitioner.

Motion **AMENDED** by Granger, continued support by Spicher, that approval is conditioned upon the plans submitted (i.e. door off of Mack Ave) and that the construction commence within six months and be completed within 18 months.

Motion as amended carried by the following vote:

Yes:

Chylinski, Granger, Howle, Novitke, Reynolds, Spicher

No:

Dickinson

Absent:

None

CITY COUNCIL EXCERPT 7-18-05

THE MEETING WAS THEREUPON OPENED AT 7:47 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 KELLY & MICHAEL ZILLI, 1875 HAWTHORNE, GROSSE POINTE WOODS, WHO ARE APPEALING THE DENIAL OF THE BUILDING INSPECTOR TO ISSUE A BUILDING PERMIT FOR A MEDICAL BILLING/RECORDS BUSINESS. SUCH PROPOSED BUSINESS IS NOT A PERMITTED USE IN SECTION 98-72(7). THEREFORE, A VARIANCE IS REQUIRED.

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

- i) Letter 7-12-05 Michael & Kelly Zilli
- ii) Letter 7-12-05 Brian Fossee
- iii) Letter 1-18-05 Michael & Kelly Zilli
- iv) Letter 7-06-05 Michael & Kelly Zilli
- v) Memo 7-06-05 Building Inspector
- vi) Unnecessary hardship City Attorney

Motion carried by the following vote:

Yes:

Chylinski, Dickinson, Granger, Howle, Novitke, Reynolds, Spicher

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:

Kelly and Michael Zilli, 1875 Hawthorne Brian Fossee, 20902 Mack Avenue

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

Stan Grumeretz, 1861 Hawthorne

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

Motion by Granger, seconded by Dickinson, regarding Kelly & Michael Zilli, 1875 Hawthorne, Grosse Pointe Wood, that Council deny the variance to operate a

small medical billing/records business at 1875 Hawthorne, which business would require a variance of Permitted Uses, Section 98-72(7) because there is **no evidence** of the following unnecessary hardships factors:

a. The property cannot reasonably be put to a conforming use;

b. The plight of the owner is due to unique circumstances and

to general neighborhood conditions;

c. The use will not alter the essential character of the neighborhood;

d. The hardship is not self-created.

Motion carried by the following vote:

Yes:

Chylinski, Dickinson, Granger, Howle, Novitke, Reynolds, Spicher

No:

None

Absent: None

may impose any reasonable restrictions or requirements so as to ensure that the contiguous residential areas will be adequately protected, and also may require the dedication of lands for street and alley purposes which in the commission's opinion is necessary to provide adequately for vehicular traffic movement and off-street parking.

- Municipal buildings and uses, including pumping stations, sewage treatment plants and other such pertinent facilities.
- b. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations when operating requirements necessitate their location within the district in order to serve the immediate vicinity.
- (4) Temporary buildings, for use incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
- Accessory buildings or uses customarily incidental to any of the uses permitted in this section, when located on the same or an adjoining lot and not involving any business, profession, trade or occupation. One private garage is permitted for each principal or residential building, in which there may be housed not more than three motor vehicles, not more than one of which may be a commercial vehicle, truck or trailer of a rated capacity of three-fourths ton or less, when housed, stored or enclosed entirely within a suitable garage. One unoccupied house trailer may be housed in place of one vehicle. Residence buildings having ten rooms or more may be provided with additional garage space, upon approval of the board of appeals, after petition and showing evidence and necessity therefor. The term "accessory buildings," as used in this subsection, shall mean and include a prefabricated metal structure to be used as a place of storage for lawn mowers, bicycles and other similar or like objects, provided that such building shall be portable, and if such building structure is placed in the public utility easement the structure shall be so placed at the sole responsibility of the property owner, who shall remove the structure at the discretion of the city council, and such structure shall not occupy any portion of the lot area not permitted so to be occupied by this chapter.
- (6) Off-street parking facilities, which shall be provided as specified in section 98-17 and article XIII of this chapter.
- (7) Mixed occupancy as follows: In residential homes on lots abutting Mack Avenue a mixed occupancy shall be permitted involving the use of the property as a residence and one of the following uses by the resident occupant: a physician's office, a dentist's office, a lawyer's office or a real estate broker's office, provided that parking requirements for such mixed occupancy shall comply with section 98-17.
- (8) Storage of boats, recreational vehicles, trailers. Storage of boats, boat trailers, recreational vehicles, mobile homes, campers, travel trailers, house trailers, and non-commercial utility trailers are only permitted if such vehicles or equipment are unoccupied and parked in a fully enclosed garage and comply with section 98-72(5). Overnight parking, other than in a fully enclosed garage, of unoccupied boats, boat trailers, recreational vehicles, mobile homes, campers, travel trailers, house trailers,

1875 Hawthorne Rd. Grosse Pointe Woods, MI 48236

Phone: (313) 884-5175 Fax: (313) 884-5285

Kelly and Michael Zilli

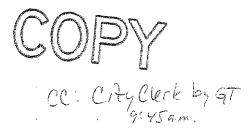


RECEIVED

JUL 1 3 2005

CITY OF GROSSE PTE. WOODS

To:	Gene Tutag	E a costar:	Michael Zilli	
Fax:	(313) 343-2439	Date:	July 13, 2005	
Phone:	(313) 343-2426	Pages	*	
Re:		cc:		
□ Urge	ent 🗌 For Review	☐ Please Comment	☐ Please Reply	☐ Please Recycle
•Comi	ments:			
Gene,	,			
a let		ning why we have a ee neighbors ackt		
	lso have three or : e signing it.	four more neighbor	rs who wanted	to read the letter
Our paftern	-	s also written a let	ter that I can fo	rward to you this
If you	ı need anything els	e please let me kno	w.	
Than	ks!			
Kelly	A. Zilli	Michael A. Zilli		



JUL 1 3 2005

City Council Members and Building Inspector,

CITY OF GROSSE PTE, WOODS

My husband and I would like to request a variance on our property to allow a business to operate out of our home without the business owner living in the property.

We do have an unnecessary hardship because our home is adjacent to commercial property and our backyard backs to a twenty-foot brick wall that is unsightly for residential purposes.

We purchased the home with the intent of operating our Audiology business out of our home but while waiting for the variance approval, we realized it would be quite difficult to operate a business and live in the home while waiting for it to be rezoned commercial. We then got propositioned to sell our business and did so. We also now know it would be uncomfortable to operate a business and raise a family out of this location. The concern about traffic on Mack Ave. and if the business continued to grow and how it would affect the neighbors and the neighborhood was another determining factor that helped us make the decision to sell our practice.

We think this location is optimal for E-Med Management Solutions to operate out of this location because of the nature of their business and if the business grows there will be no effect to the surrounding neighbors or neighborhood.

We have had our home on the market for residential lease and have had plenty of people look at our home but because of the location no one seems interested.

Because of the location of the home, we are constantly worried about if our dogs get out of the yard or if our three year old happens to run the wrong way toward Mack Ave.

We have also noticed that no matter which bedroom we sleep in the traffic noise is quite loud. For example, when a police, paramedic or fire truck comes down Mack Ave. it sounds like it is going to come through the middle of our house. We are training ourselves to get use to this type of noise.

We would like to be added to the July 18, 2005 agenda to go before the City Council to ask that they grant this particular variance.

Thank you for your consideration in this matter.

Sincerely,

Kelly A. Zilli

Date

Date

Michael A. Zilli

Sincerely,

Name

JUL 1 3 2005

City Council Members and Building Inspector,

CITY OF GROSSE PTE. WOODS

I acknowledge and support our neighbors, Kelly and Michael Zilli, in the endeavor of leasing their home to E-Med Management Solutions. E-Med Management Solutions is a medical billing company that will be operating Monday through Friday from 9:00 AM to 5:00 PM. They will have approximately five employees, have no customers either entering or leaving the building during a typical business day and that will mean no additional traffic on Hawthorne Rd.

Hence, all the employees will enter off Mack Ave only. Also, the employees will be parking across the street in the municipal parking lot next to the hardware store.

The alternative is having a lawyer or accountant occupy the home and operate their business concurrently. The downside to this is that this will cause additional traffic on a already very busy Hawthorne Rd.

The entrance of our home will face Mack Ave. by enclosing our porch. The City of Grosse Pointe Woods has already approved the plans. We will maintain a very attractive front of our home that will directly face Mack Ave. We will also have an attractive privacy fence for the neighbors east of us.

Thank you for your consideration in this matter.

Dave Shark 7/12/05	1878 Hawkhorne
Name	Address
Dantara 1 1/12/05	1838 Hawthorne
PAY JOHNSON 7-12-05 Name	1829 HAWTHORNE Address
Name	Address
Name	Address

Address

RECEIVED

JUL 1 3 2005

CITY OF GROSSE PTE, WOODS

TO. Gene Tutag

Fr. Michael Zilli

RE: Letter For Fortential

to get on 7.18-05

Th: 7-13-05 Agenba

e-Med Management Solutions

Maximum Reimbursement & Growth Strategies

July 12, 2005

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Robert Novitke – Mayor
Patricia Kukula-Chylinski – Mayor Pro-Tem
Allen G. Dickinson – Councilmember
Victoria A. Granger - Councilmember
Lisa Pinkos-Howle – Councilmember
Dona DeSantis-Reynolds – Councilmember
Darryl A. Spicher – Councilmember

RECEIVED

JUL 1 3 2005

CITY OF GROSSE PTE. WOODS

Gene Tutag - Building Inspector Grosse Pointe Woods

Dear City Council and Building Inspector of Grosse Pointe Woods,

I, Brian Fossee, wish to request the opportunity to lease 1875 Hawthorne for my business. E-Med Management Solutions, use. Our office hours would be from 9:00 AM to 5:00 PM, Monday through Friday. E-Med Management Solutions has approximately 5 employees who will be parking in the municipal lot and the two parking spots adjacent to the property thereby preventing any additional Hawthorne traffic. The building will face Mack Ave. directly and that will also help curb any extra traffic.

It is my hope that the City Council will give this request consideration for what I believe to be several good reasons.

I am currently operating my business at 20902 Mack Ave. approximately two blocks north of 1875 Hawthorne and am in search of a larger facility with more storage space. My lease is up at the current location and I happened to notice that the property at 1875 Hawthorne was available for lease. I do not wish to live on the premises with my business if at all possible.

I do believe my type of business, that has virtually no traffic associate to it, may be the perfect type of operation for this location.

The residence on 1875 Hawthorne has already been granted a variance for a mixed use with the City Council's approval for a low impact professional business and because of this would mean traffic going to and from the building all day long.

The entrance to the building will face Mack Ave. so there will be no added traffic to Hawthorne. Thank you for your consideration in this matter,

Sincerely

Effian Fossee

e-Med Management Solutions

Maximum Reimbursement & Growth Strategies

July 12, 2005

Robert Novitke - Mayor Patricia Kukula-Chylinski - Mayor Pro-Tem Allen G. Dickinson - Councilmember Victoria A. Granger - Council member Lisa Pinkos-Howle - Councilmember Dona DeSantis-Reynolds - Councilmember Darryl A. Spicher - Councilmember

Gene Tutag - Building Inspector Grosse Pointe Woods

Dear City Council and Building Inspector of Grosse Pointe Woods,

L Brian Fossee, wish to request the opportunity to lease 1875 Hawthorne for my business, E-Med Management Solutions, usc. Our office hours would be from 9:00 AM to 5:00 PM, Monday through Friday, E-Med Management Solutions has approximately 5 employees who will be parking in the municipal lot and the two parking spots adjacent to the property thereby preventing any additional Hawthorne traffic. The building will face Mack Ave. directly and that will also help curb any extra traffic.

It is my hope that the City Council will give this request consideration for what I believe to be several good reasons.

I am currently operating my business at 20902 Mack Ave. approximately two blocks north of 1875 Hawthorne and am in search of a larger facility with more storage space. My lease is up at the current location and I happened to notice that the property at 1875 Hawthorne was available for lease. I do not wish to-live on the premises with my business if at all possible.

I do believe my type of business, that has virtually no traffic associate to it, may be the perfect type of operation for this location.

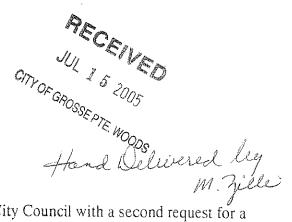
The residence on 1875 Hawthorne has already been granted a variance for a mixed use with the City Council's approval for a low impact professional business and because of this would mean traffic going to and from the building all day long.

The entrance to the building will face Mack Ave. so there will be no added traffic to Hawthorne. Thank you for your consideration in this matter,

July 15, 2005

GT.

Mayor Novitke
Mayor Pro-Tem Chylinski
Councilmember Dickinson
Councilmember Granger
Councilmember Howle
Councilmember Reynolds
Councilmember Spicher



Dear City Council,

We, Michael Zilli and my wife Kelly Zilli, would like to approach the City Council with a second request for a variance regarding our property at 1875 Hawthorne Rd.

We were granted a variance in February of 2005 for the use of two parking spaces adjacent to our property on Mack Ave. The purpose of that variance was to allow us to operate our Audiology practice while living in our home.

It is with great respect and appreciation that we were granted that request. We thank the City Council for their understanding and hope that you will understand why we are requesting a second variance on the same property.

While waiting for our variance, my wife and I were propositioned to sell our Audiology practice. After many hours of thoughtful consideration, we felt selling would be in the best interest of the practice. The offer was a complete surprise and was made by a prominent businessman and he was going to continue to grow the practice and better serve the patients.

Now, we are left with a home that abuts Mack Ave. on the west side of our property and a backyard that has a twenty-foot brick wall on the south side of the property. We have found it difficult to live in this home with our three-year-old son and two small dogs. The traffic noise can be heard literally from any room in our home and also all-night long. We are concerned with what we consider dangerous traffic for our dogs and toddler especially if any one of the three happens to run onto or towards Mack Ave. not to mention people walking by our home at all hours to get to the businesses in the area.

The above mentioned information brings us to why we would like to lease our home to E-Med Management Solutions (a medical billing/records business) We have had many calls on our home for residential lease but no one seems interested because of the aforementioned reasons.

E-Med Management Solutions has approximately 5 employees who would like to park in the municipal lot and also use the two parking spots adjacent to the property thereby preventing any additional Hawthorne traffic. The building will face Mack Ave. directly and that will also help curb any extra traffic.

E-Med Management Solutions is currently operating their business at 20902 Mack Ave., Ste. 200 approximately two blocks north of 1875 Hawthorne and they are in search of a larger facility with more storage space.

We are requesting a variance specifically for this type of business only because we feel it is a perfect fit for the neighborhood because it has virtually no traffic associate to it and we have had good feedback and support from our neighbors. We understand that this request would be site specific for this business only.

Thank you for your consideration in this matter,

Sincerely,

Kelly A. Zilli

Michael A. Zilli

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.

Kathryn Andros

being duly sworn deposes and says that attac

City of Grosse Pointe Woods

was duly published in accordance with instru the following date:

December 20, 2012

#4 GPW 12\20 ZONING

and knows well the facts stated herein, and that newspaper.

Subscribed and sworn to before me this 20th

City of Grosse Pointe Woods, Michigan

NOTICE IS HEREBY GIVEN that the City Council, meeting as 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, January 7, 2013, at 7:30 p.m. to hear the appeal of Kelly and Michael Zilli, The Ear Center, 1875 Hawthorne, Grosse Pointe Woods, MI, who are appealing the denial of the Building Inspector to approve a Business License due to proposed use. The property is zoned R-1C District and audiology service is not a permitted use in a residential district as described in Section 50-208, Permitted Uses, of the 2007 City Code.

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.

Lisa Kay Hathaway, MMC

G.P.N.: 12/20/2012

City Clerk

Notary Public

BARBARA VETHACKE
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF MACOMB
My Commission Expires 04 26-2013
Acting in the County of

AFFIDAVIT OF PROPERTY OWNERS NOTIFIED

Re: 1875 Hawthorne Michael 7 Kelly Zilli

		iviluitaci	1	ixciiy	Z/131
State of Michigan)				
) ss.				
County of Wayne)				

I HEREBY CERTIFY that the notice of Hearing was duly mailed First Class Mail on 12-20-12 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 check # 700632.

Lisa Kay Hathaway

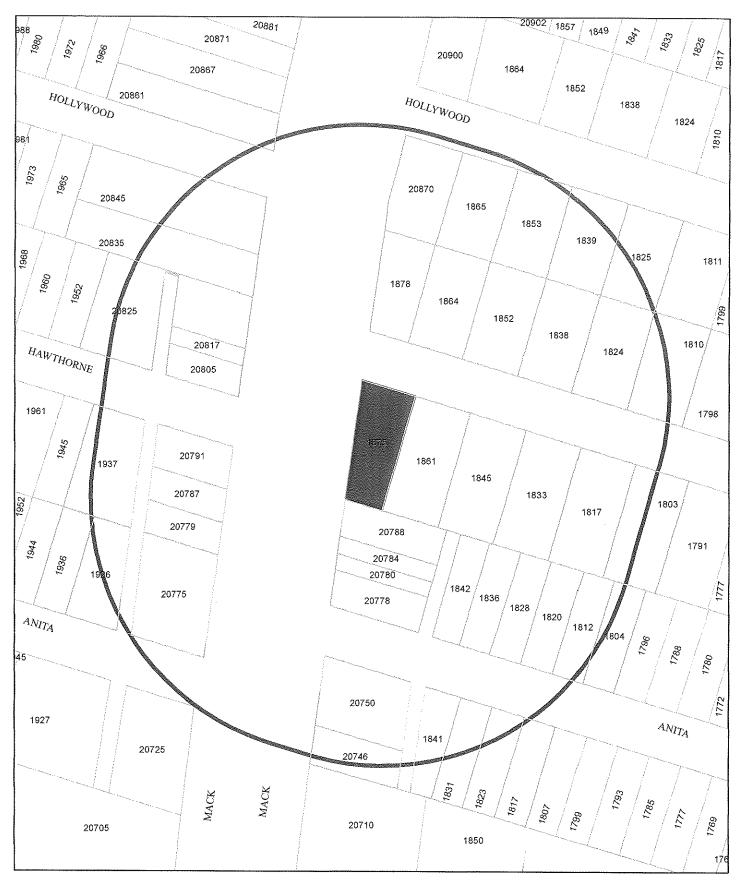
City Clerk

See attached document for complete list.

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G & C PROPERTIES & INVESTMENTS	-	20750 MACK AVE	GROSSE POINTE	M	48236
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LAHOOD MARY ANNE		20 STILLMEADOW LN	GROSSE POINTE SHORES	Σ	48236
RESIDENT		1841 ANITA AVE	GROSSE POINTE WOODS	Ξ	48236
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RESIDENT		20746 MACK AVE	GROSSE POINTE WOODS	M	48236
GRUMERETZ STANLEY		1861 HAWTHORNE RD	GROSSE POINTE WOODS	Ξ	48236
OLZEM CHRISTOPHER W & AUD		1828 ANITA AVE	GROSSE POINTE WOODS	Ξ	48236
MONLEY CLAUDIA		1820 ANITA AVE	GROSSE POINTE WOODS	Ξ	48236
KOHL EDWARD C		1812 ANITA AVE	GROSSE POINTE WOODS	≅	48236
HOLLYWOOD CLINIC INC		20861 MACK AVE		Σ	48236
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RESIDENT		20845 MACK AVE	GROSSE POINTE WOODS	Ξ	48236
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MATOUK-HAGE ROSEMARY		20787 MACK AVE	GROSSE POINTE WOODS	Z	48236
RESIDENT		1937 HAWTHORNE RD	GROSSE POINTE WOODS	Z	48236
WARREN JIMMY H & AMY J		1845 HAWTHORNE RD	GROSSE POINTE WOODS	M	48236
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1875 Hawthorne - 300'

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ELA A. ABESSINIO, D.O., P.C.	20861 MACK AVE	Æ 6	GROSSE POINTE WOODS	Σ	48236
Mr. Tim Black - Area Manager		om 314	Mount Clemens	Σ	48043
	on 3150 E. Michigan Ave	n Ave	Ypsilanti Township	M	48198
Detroit Edison Company Michael Blunden, Corp. Permit Coordinator		za Dr.	Detroit	M	48226
New Calm Investment Co. #B8215	17108 Mack Ave	a)	Grosse Pointe	≅	48230
	1804 ANITA		GROSSE POINTE WOODS	Z	48236



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WAYNE COUNTY, MI*
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ANDERSON, ECKSTEIN AND WESTRICK, INC.*
*ALL RIGHTS RESERVED



INFORMATION TECHNOLOGY DEPARTMENT Geographic Information Systems (GIS) Division

Subject: 1875 Hawthorne

Date: December 20, 2012





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INFORMATION TECHNOLOGY DEPARTMENT Geographic Information Systems (GIS) Division

Subject: 1875 Hawthorne

Date: December 20, 2012

