

MINUTES OF THE ZONING BOARD OF APPEALS MEETING OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, JANUARY 7, 2013, 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, Granger, Ketels, Koester, McConaghy, Shetler
Absent: None

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

Motion by Bryant, seconded by Shetler, that tonight's Zoning Board of Appeal meeting be opened.

Motion carried by the following vote:

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

THE MEETING WAS THEREUPON OPENED AT 7:46 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 MICHAEL AND KELLY ZILLI, 1875 HAWTHORNE**, WHO ARE APPEALING THE DENIAL OF THE BUILDING INSPECTOR TO ALLOW OCCUPANCY OF EAR CENTER AUDIOLOGY INC., AT 1875 HAWTHORNE, GROSSE POINTE WOODS, MI, DUE TO PERMITTED USE REQUIREMENTS ACCORDING TO SECTION 50-208(7), MIXED OCCUPANCY OF THE 2007 CITY CODE. A VARIANCE IS THEREFORE REQUIRED.

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

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

Motion carried by the following vote:

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

The Building Official provided an overview.

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

Joel Harris
Attorney Representing Zilli
1834 Norwood

Alex Lucido
Broker
Lucido Real Estate
19455 Mack Avenue

Bill Matouk
703 Hollywood

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

Stanley Grumeretz
1861 Hawthorne

Amy Warren
1845 Hawthorne

Thomas Sullivan
1852 Brys

Motion by Granger, seconded by Bryant, that the public hearing be closed at 8:04 p.m. PASSED UNANIMOUSLY.

Motion by Granger, seconded by Shetler, regarding Zoning Board of Appeal – Michael and Kelly Zilli, Ear Center Audiology Inc., 1875 Hawthorne, which is requesting a variance allowing them to not reside on the property in accordance with mixed occupancy requirements, that the request be denied due to lack of evidence of an unnecessary hardship, which would require the following findings:

- 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-1C zoning district.
- 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.
- 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.
- 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 an office use, contrary to the ordinance.
- 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 principle 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.

Motion carried by the following vote:

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

No: Koester

Absent: None

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

Motion carried by the following vote:

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

No: None

Absent: None

Motion by Granger, seconded by Bryant, that tonight's meeting be adjourned at 8:19 p.m.
PASSED UNANIMOUSLY.

Respectfully submitted,

Lisa Kay Hathaway
City Clerk